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2002 SEP 30 PM 12: 25

U.S. EPA REGION IX
REGIONAL HEARING CLERK

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

In the matter of:)	U.S. EPA Docket No.
)	RCRA 09-2002-0009
)	
)	
Price Pfister, Inc.)	COMPLAINT,
EPA I.D. No. CAD008384190)	CONSENT AGREEMENT
)	AND
)	FINAL ORDER
Respondent.)	
)	

COMPLAINT AND CONSENT AGREEMENT

A. PRELIMINARY STATEMENT

1. This is a civil administrative enforcement action instituted pursuant to Section 3008(a)(1) of the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act of 1976 ("RCRA"), as amended, 42 U.S.C. § 6928(a)(1), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22. Complainant is the United States Environmental Protection Agency, Region IX ("U.S. EPA"). Respondent is Price Pfister, Inc., a Delaware Ccorporation ("Respondent").

2. Respondent owns and operates a facility (the "Facility") that manufactures faucets and bath accessories, at 13500 Paxton Street, Pacoima, California 91333-4518. The Facility's EPA Identification Number is CAD008384190.

3. This Complaint, Consent Agreement and Final Order ("CA/FO"), pursuant to 40 C.F.R. § 22.13(b), simultaneously commences and concludes this proceeding, wherein EPA alleges that Respondent, at the Facility: stored hazardous waste without a permit and without meeting the conditions for conditional exemption for on-site accumulation of hazardous waste, including labelling and properly closing containers; failed to conduct weekly inspections of containers and storage areas; and failed to maintain and operate the Facility to minimize the possibility of a release of

hazardous waste; all in violation of Sections 3002, 3004 and 3005 of RCRA, 42 U.S.C. §§ 6922, 6924 and 6925, and state regulations adopted pursuant to the approved California hazardous waste management program¹, that is: (i) 22 CCR § 66265.31, as referenced by 22 CCR § 66262.34(a)(4); (ii) 22 CCR § 66265.173(a), as referenced by 22 CCR § 66262.34(a)(1)(A); (iii) 22 CCR § 66265.174; and (iv) 22 CCR § 66270.1.²

B. JURISDICTION

4. On August 1, 1992, the State of California received authorization to administer the hazardous waste management program in lieu of the federal program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, and 40 C.F.R. Part 271. The authorized program is established pursuant the Hazardous Waste Control Law, Chapter 6.5 of Division 20 of the California Health and Safety Code ("H&SC"), and the regulations promulgated thereunder at Title 22, Division 4.5 of the California Code of Regulations ("CCR"), 22 CCR §§ 66001 et seq. The State of California has been authorized for all the regulations referenced in this CA/FO.³

5. Respondent is a "person" as defined in 22 CCR § 66260.10. [See also 40 CFR § 260.10.]

6. Respondent is the "owner" of a facility as defined in 22 CCR § 66260.10. [See also 40 CFR § 260.10.]

¹ All citations to the "CCR" refer to Division 4.5 of Title 22 of the current California Code of Regulations. EPA is enforcing California hazardous waste management program requirements as approved and authorized by the United States on August 1, 1992 (see 57 FR 32726, July 23, 1992). Where the current version of the regulations differs from the regulations approved and authorized by the United States, the fact that such differences exist is noted.

² 22 CCR § 66262.34(a)(4) was formerly, in the authorized version of the California program, 22 CCR § 66262.34(a)(3). Revisions to the authorized version of this provision do not affect the alleged violations set forth herein. The authorized version of 22 CCR § 66270.1(c)(2)(A) incorporated the definition of "storage facility" found at H&SC § 25123.3. While the current version of this regulation does not, the substance of the provision has not changed and, in general, requires a permit for storage of hazardous waste for more than 90 days.

³ But see footnote 1, *supra*.

7. Respondent is the "operator" of a facility as defined in 22 CCR § 66260.10. [See also 40 CFR § 260.10.]

8. Respondent is a "generator" of hazardous waste as defined in 22 CCR § 66260.10. [See also 40 CFR § 260.10.]

9. Respondent generates and accumulates, or has generated and accumulated, materials that are "wastes" as defined in 22 CCR §§ 66260.10 and 66261.2. [See also 40 CFR §§ 260.10 and 261.2.]⁴

10. At the Facility, Respondent generates and has generated, accumulates and has accumulated a number of "hazardous wastes" as defined in H&SC § 25117, and 22 CCR §§ 66260.10 and 66261.3.⁵ [See also RCRA Section 1004(5), and 40 CFR §§ 260.10 and 261.3.] These hazardous wastes include, but are not limited to: F006 (dried wastewater filter cake sludge, California Hazardous Waste Code 171); Buffing lint and miscellaneous solids (Non-RCRA Hazardous Waste Solid, California Hazardous Waste Code 181); and Oil and water mixture (Non-RCRA Hazardous Waste Liquid, California Hazardous Waste Code 135).

11. On or about October 18, 2001, EPA conducted a compliance evaluation inspection ("CEI") at the Facility. Based upon the findings EPA made during the CEI, and additional information obtained subsequent to the CEI, EPA determined that Respondent had violated California Health & Safety Code § 25100 et seq. and the regulations adopted pursuant thereto, as approved and authorized by the United States.

12. Section 3006 of RCRA, 42 U.S.C. § 6926 provides, inter alia, that authorized state hazardous waste programs are carried out under Subtitle C of RCRA. Therefore, a violation of any requirement of law under an authorized state hazardous waste program is a violation of a requirement of Subtitle C of RCRA.

13. A violation of California's authorized hazardous waste program, found at H&SC § 25100 et seq., constitutes a violation of Subtitle C of RCRA and, therefore, a person who violates California's authorized hazardous waste program is subject to the powers vested in the EPA Administrator by Section 3008 of RCRA,

⁴ Revisions to the authorized version of 22 CCR § 66261.2 do not affect the alleged violations set forth herein.

⁵ Revisions to the authorized versions of H&SC § 25117 and 22 CCR § 66261.3 do not affect the alleged violations set forth herein.

42 U.S.C. § 6928.

14. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA Administrator to issue orders requiring compliance immediately or within a specified time for violation of any requirement of Subtitle C of RCRA, Section 3001 of RCRA et seq., 42 U.S.C. § 6921 et seq.

15. Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), provides that when a violation of Subtitle C of RCRA occurs in a state or territory which has been authorized under Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator must notify an authorized state or territory prior to issuing an order under Section 3008 of RCRA in that state or territory. EPA notified the State of California as required by Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

16. The Administrator has delegated the authority under Section 3008 of RCRA to the EPA Regional Administrator for Region IX, who has redelegated this authority to the Director of the Waste Management Division.

C. ALLEGED VIOLATIONS

COUNT I

(Failure to Minimize Releases)

17. Paragraphs 1 through 16 above are incorporated herein by this reference as if they were set forth here in their entirety.

18. 22 CCR § 66265.31 requires that a facility shall be maintained to minimize the possibility of any unplanned release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

19. During the CEI, EPA inspectors observed a sludge dryer in the Facility's hazardous materials storage area, which had an uncovered chute from which dry sludge dropped into storage bins. In the vicinity of this sludge dryer, the inspectors observed fine particles of dried F006 wastewater treatment sludge on the floor and equipment surfaces. Therefore, EPA alleges that Respondent has violated 22 CCR § 66265.31 and 66262.34(a)(4).

COUNT II

(Failure to Properly Close Containers)

20. Paragraphs 1 through 19 above are incorporated herein by this reference as if they were set forth here in their entirety.

21. 22 CCR § 66265.173(a) requires that containers holding waste shall always be closed during transfer and storage, except when it is necessary to add or remove waste.

22. On or about October 18, 2001, EPA inspectors observed that sixteen one-yard boxes of dried F006 sludge and seven one-yard boxes of wet F006 sludge were open when hazardous waste was neither being added nor removed.

23. On or about October 18, 2001, the EPA inspectors observed that a one-yard box labelled "Hazardous Waste - oil borings and fines" in the used oil staging area was open when hazardous waste was neither being added nor removed.

24. Therefore, EPA alleges that Respondent has violated 22 CCR § 66265.173(a).

COUNT III

(Failure to Conduct Weekly Inspections)

25. Paragraphs 1 through 24 above are incorporated herein by this reference as if they were set forth here in their entirety.

26. 22 CCR § 66265.174 requires the owner or operator of the facility to conduct weekly inspections of areas used for container storage or transfer.

27. On or about October 18, 2001, the EPA inspectors reviewed the records of inspections provided by the Facility and determined that the Facility lacked records of inspections of the hazardous waste storage area between March 26, 2001 and April 13, 2001; between May 9, 2001 and June 7, 2001; and between July 10, 2001 and August 7, 2001.

28. Therefore, EPA alleges that Respondent has violated 22 CCR § 66265.174.

COUNT IV

(Storage of Hazardous Waste Without A Permit)

29. Paragraphs 1 through 28 above are incorporated herein by this reference as if they were set forth here in their entirety.

30. With certain exceptions, 22 CCR § 66270.1 prohibits any person who has not applied for or received an RCRA permit from storing "hazardous waste" as identified or listed in 22 CCR § 66260.10. Respondent has not filed a Part A or Part B RCRA Permit Application and does not have a permit to store hazardous

waste under 22 CCR § 66270.1(c). [See also 40 CFR § 270.1(c).] Under 22 CCR § 66262.34(a), a generator of hazardous waste may accumulate hazardous waste on site without a permit or qualifying for interim status, if it meets all of the following conditions:

a. Containers holding waste are kept closed during transfer and storage, except when it is necessary to add or remove waste (22 CCR §§ 66262.34(a)(1)(A) and 66.265.173(a));

b. The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container (22 CCR § 66262.34(a)(2));

c. Each container is labeled or clearly marked with the words "Hazardous Waste", the composition and physical state of the wastes, a statement or statements which call attention to the particular hazardous properties of the waste (e.g., flammable, reactive, etc.), and the name and address of the person producing the waste (22 CCR §§ 66262.34(a)(3) and 66262.34(f)(3)); and

d. The owner or operator of the facility conducts weekly inspections of areas used for container storage or transfer (22 CCR § 66262.34(a)(1)(A) and 22 CCR § 66265.174).

31. On or about October 18, 2001, the EPA inspectors observed that two dumpsters containing wastewater treatment sludge (Hazardous Waste Code F006, California Hazardous Waste Code 171) lacked the words "Hazardous Waste" and lacked information pertaining to the composition and physical state of the waste, its particular hazardous properties, and the name and address of the person producing the waste.

32. On or about October 18, 2001, the EPA inspectors observed that sixteen one-yard boxes of dried F006 sludge and seven one-yard boxes of wet F006 sludge lacked information pertaining to the composition and physical state of the waste, its particular hazardous properties, and the name and address of the person producing the waste.

33. On or about October 18, 2001, the EPA inspectors observed that two dumpsters containing wastewater treatment sludge (Hazardous Waste Code F006, California Hazardous Waste Code 171) were not labelled with the initial date of waste accumulation.

34. Respondent did not meet the requirements of 22 CCR § 66262.34(a) because Respondent:

a. Had an open container holding hazardous waste when it was not necessary to add or remove a hazardous waste (22 CCR §§ 66262.34(a)(1)(A) and 66.265.173(a));

b. Accumulated hazardous waste without marking the date upon which accumulation of hazardous waste began (22 CCR § 66262.34(a)(2));

c. Accumulated hazardous waste without labelling or marking

it with the words "Hazardous Waste" or with information pertaining to the composition and physical state of the waste, its particular hazardous properties, and the name and address of the person producing the waste (22 CCR §§ 66262.34(a)(3) and 66262.34(f)(3)); and

d. Failed to conduct weekly inspections (22 CCR § 66265.174).

35. Therefore, EPA alleges that Respondent has stored waste without a permit in violation of 22 CCR § 66270.1.

D. CIVIL PENALTY

36. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461 and the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, see 61 Fed. Reg. 69360 (Dec. 31, 1996), authorizes a civil penalty of up to TWENTY-SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$27,500) per day for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 et seq., occurring on January 31, 1997 or thereafter. Based upon the facts alleged herein and upon those factors which EPA must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and the RCRA Civil Penalty Policy, including the seriousness of the violations, any good faith efforts by Respondent to comply with applicable requirements, and any economic benefit accruing to Respondent, as well as such other matters as justice may require, EPA proposes that Respondent be assessed SEVENTY-ONE THOUSAND ONE HUNDRED FOURTEEN DOLLARS (\$71,114.00) as the civil penalty for the violations alleged herein. The proposed penalties were calculated in accordance with the "October 1990 RCRA Civil Penalty Policy," as adjusted by the Debt Collection Improvement Act. Under the penalty policy, EPA uses a penalty assessment matrix, which is then adjusted to take into account multi-day violations, for case-specific circumstances, and for the economic benefit gained from non-compliance, where appropriate.

E. ADMISSIONS AND WAIVERS OF RIGHTS

37. Respondent admits and agrees that the EPA Administrator and Region IX Administrator have jurisdiction and authority over the subject matter of the action commenced in this CA/FO and over Respondent pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and 40 C.F.R. §§ 22.4 and 22.37. Respondent admits the jurisdictional allegations in this CA/FO. Respondent consents to and agrees not to contest EPA's jurisdiction and authority to enter into and issue this CA/FO and to enforce its terms. Further, Respondent will not contest EPA's jurisdiction and authority to compel

compliance with this CA/FO in any enforcement proceedings, either administrative or judicial, or to impose stipulated penalties for violations of this CA/FO.

38. Respondent neither admits nor denies any allegations of fact or law set forth in Section C of this CA/FO. For purposes of this proceeding, Respondent hereby agrees to waive any rights Respondent may have to a hearing or appeal on any issue relating to the factual allegations or legal conclusions set forth in the CA/FO, including without limitation a hearing pursuant to Section 3008(b) of RCRA, 42 U.S.C. §6928(b). Respondent hereby consents to the issuance of this CA/FO without adjudication. In addition, Respondent hereby waives any rights Respondent may have to appeal the Final Order attached to this Consent Agreement and made part of this CA/FO.

F. PARTIES BOUND

39. This CA/FO shall apply to and be binding upon Respondent and its agents, successors and assigns and upon all persons, independent contractors, contractors, and consultants acting under or for Respondent, until such time as the civil penalty required under Section D and G has been paid and any delays in performance and/or stipulated penalties have been resolved. At such time as those matters are concluded, this CA/FO shall terminate and constitute full settlement of the violations alleged herein.

40. No change in ownership or corporate, partnership or legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.

41. Respondent shall give notice of this CA/FO to any successor in interest prior to transfer of ownership or operation of the Facility and shall notify EPA within seven (7) days prior to such transfer, until the termination of this CA/FO.

42. The undersigned representative of Respondent hereby certifies s/he is fully authorized by Respondent to enter into this CA/FO, to execute and to legally bind Respondent to it.

G. PAYMENT OF CIVIL PENALTY

43. Respondent consents to the assessment of and agrees to pay a civil penalty of SEVENTY-ONE THOUSAND ONE HUNDRED FOURTEEN DOLLARS (\$71,114.00) in full settlement of the civil penalty claims made in the Complaint.

44. Respondent shall submit payment of the entire civil penalty

within thirty (30) calendar days of the Effective Date of this CA/FO. The Effective Date of this CA/FO is the date the Regional Judicial Officer signs the Consent Order. Payment shall be made by Funds Transfer Deposit (EPA Form 2570-6) through the Federal Reserve Communication System (FRCS) to the account of the U.S. Treasury at the Federal Reserve Bank of New York. At the time payment is so made, a copy of EPA Form 2570-6 shall be sent to:

Regional Hearing Clerk (RC-1)
U.S. Environmental Protection Agency - Region IX
75 Hawthorne Street
San Francisco, CA 94105

and to:

James Sullivan (WST-3)
Waste Management Division
U.S. Environmental Protection Agency - Region IX
75 Hawthorne Street
San Francisco, CA 94105

45. In accordance with the Debt Collection Act of 1982 and U.S. Treasury directive (TFRM 6-8000), the payment must be received within thirty (30) calendar days of the Effective Date of this CA/FO to avoid additional charges. If payment is not received within thirty (30) calendar days, interest will accrue from the Effective Date of this CA/FO at the current rate published by the United States Treasury as described at 40 C.F.R. §13.11. A late penalty charge of \$15.00 will be imposed after thirty (30) calendar days with an additional charge of \$15.00 for each subsequent 30-day period. A 6% per annum penalty will further apply on any principal amount not paid within ninety (90) calendar days of the due date. Respondent further will be liable for stipulated penalties as set forth below for any payment not received by its due date.

H. DELAY IN PERFORMANCE/STIPULATED PENALTIES

46. In the event Respondent fails to meet any requirement set forth in this CA/FO, Respondent shall pay stipulated penalties as set forth in this paragraph. For failure to submit a payment to EPA by the time required in this CA/FO, and for any other violation of or noncompliance with this CA/FO: FIVE HUNDRED DOLLARS (\$500) per day for the first to fifteenth days of delay, ONE THOUSAND DOLLARS (\$1,000) per day for sixteenth to thirtieth day of delay, and ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500) per day for each day of delay thereafter.

47. All penalties shall begin to accrue on the date that

performance is due or a violation occurs, and shall continue to accrue through the final day of correction of the noncompliance. Nothing herein shall prevent the simultaneous accrual of separate penalties for separate violations.

48. All penalties owed to EPA under this Section shall be due within thirty (30) days of receipt of a notification of noncompliance. Such notification shall describe the noncompliance and shall indicate the amount of penalties due. Interest at the current rate published by the United States Treasury, as described at 40 C.F.R. §13.11, shall begin to accrue on the unpaid balance at the end of the thirty-day period.

49. Payment of penalties shall be made by Funds Transfer Deposit (EPA Form 2570-6) through the FRCS to the account of the U.S. Treasury at the Federal Reserve Bank of New York. At the time payment is so made, a copy of EPA Form 2570-6 shall be sent to:

Regional Hearing Clerk (ORC-1)
U.S. Environmental Protection Agency - Region IX
75 Hawthorne Street
San Francisco, CA 94105

and to:

James Sullivan (WST-3)
Waste Management Division
U.S. Environmental Protection Agency - Region IX
75 Hawthorne Street
San Francisco, CA 94105

50. All payments shall indicate the name of the Facility, EPA identification number of the Facility, the Respondent's name and address, and the EPA docket number of this action.

51. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.

52. The stipulated penalties set forth in this Section do not preclude EPA from pursuing any other remedies or sanctions which may be available to EPA by reason of Respondent's failure to comply with any of the requirements of this CA/FO.

I. RESERVATION OF RIGHTS

53. EPA expressly reserves all rights and defenses that it may have. EPA further reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and

equitable, including the right to require that Respondent perform tasks in addition to those required by this CA/FO. EPA further reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any of the requirements of this CA/FO, including without limitation, the assessment of penalties under Section 3008(c) of RCRA, 42 U.S.C. §6928(c). This CA/FO shall not be construed as a covenant not to sue, release, waiver or limitation of any rights, remedies, powers or authorities, civil or criminal, which EPA has under RCRA, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), or any other statutory, regulatory or common law enforcement authority of the United States.

54. Compliance by Respondent with the terms of this CA/FO shall not relieve Respondent of its obligations to comply with RCRA or any other applicable local, State or federal laws and regulations.

55. The entry of this CA/FO and Respondent's consent to comply shall not limit or otherwise preclude EPA from taking additional enforcement actions should EPA determine that such actions are warranted except as it relates to those matters resolved by this CA/FO.

56. This CA/FO is not intended to be nor shall it be construed as a permit. This CA/FO does not relieve Respondent of any obligation to obtain and comply with any local, State or federal permits.

J. OTHER CLAIMS

57. Nothing in this CA/FO shall constitute or be construed as a release from any other claim, cause of action or demand in law or equity by or against any person, firm, partnership, entity or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from the Facility.

K. INDEMNIFICATION OF UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

58. Respondent agrees to indemnify and save and hold harmless the United States Environmental Protection Agency, its departments, divisions, agents, and employees, from any and all claims or causes of action arising from or on account of acts or

omissions of Respondent or its owners, employees, agents, independent contractors, receivers, trustees, and assigns in carrying out activities required by this CA/FO. This indemnification shall not be construed in any way as affecting or limiting the rights or obligations of Respondent or the United States under their various contracts.

L. MISCELLANEOUS

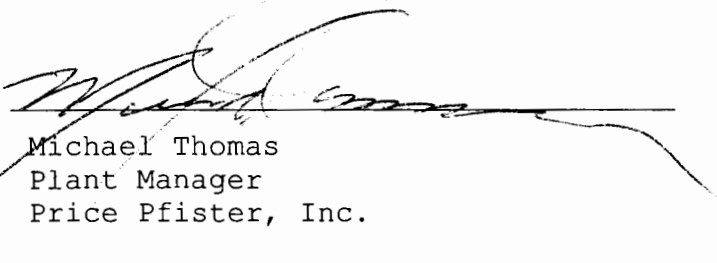
59. This CA/FO may be amended or modified only by written agreement executed by both EPA and Respondent.

60. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.

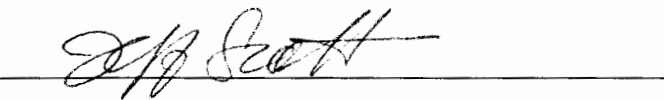
61. The Effective Date of this CA/FO is the date the Final Order is signed by EPA.

IT IS SO AGREED.

9-17-02
Date


Michael Thomas
Plant Manager
Price Pfister, Inc.

9/30/02
Date


Jeff Scott
Director
Waste Management Division
United States Environmental
Protection Agency, Region IX

FINAL ORDER

IT IS HEREBY ORDERED that this Consent Agreement and Final Order (U.S. EPA Docket No. RCRA 09-2002-0009) be entered and that Respondent pay a civil penalty of SEVENTY-ONE THOUSAND ONE HUNDRED FOURTEEN DOLLARS (\$71,114.00) by Funds Transfer Deposit through the Federal Reserve Communication System to the account of the U.S. Treasury at the Federal Reserve Bank of New York, within thirty (30) days after the Effective Date of this Consent Agreement and Final Order. A copy of the Funds Transfer Deposit Form shall be sent to the EPA Region IX addresses specified in Part D of this Consent Agreement and Final Order within such 30-day period. Respondent shall also perform all tasks required by the Consent Agreement.

This Final Order shall be effective immediately.

9/30/02

Date

Steven W. Anderson

Steven W. Anderson
Regional Judicial Officer
United States Environmental
Protection Agency, Region IX

CERTIFICATION OF SERVICE

I hereby certify that on the date below, the original of the foregoing Consent Agreement and Final Order was filed with the Regional Hearing Clerk, Region IX, and that a copy was sent by certified mail, Article Number 7001 2510 0003 5943 5632, return receipt requested, to:

Eileen Nattoli
Allen, Matkins, Leck, Gamble & Mallory
333 Bush Street, 17th Floor
San Francisco, California 94104

10-1-02
Date

Janelle E. Carr
Regional Hearing Clerk, Region IX
U.S. Environmental Protection Agency

7001 2510 0003 5943 5632

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
Postage	\$
Certification Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Sent to
Street, Apt. No.,
or PO Box No. 333 Bush St., 17th Floor
City, State, ZIP+4 San Francisco, CA 94104-2806

PS Form 3800, January 2001
See Reverse for Instructions



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

SEP 3 0 2007

CERTIFIED MAIL NO. 7001 2510 0003 5943 5632
RETURN RECEIPT REQUESTED

In any reply, refer to: WST-3
Price Pfister
EPA I.D. No. CAD008384190

Ms. Eileen Nottoli
Allen, Matkins, Leck, Gamble & Mallory
333 Bush Street, 17th Floor
San Francisco, California 94104-2806.

Re: In the matter of Price Pfister -- U.S. EPA Docket No. RCRA-09-2002-0009

Dear Ms. Nottoli:

Enclosed is an original of the fully executed Consent Agreement and Final Order which contains the terms of the settlement reached with the United States Environmental Protection Agency. Also enclosed is the Funds Transfer Deposit Form for payment of the penalty.

Your completion of all compliance actions enumerated in the Consent Agreement and Final Order will close this case. If you have any questions regarding the rules, regulations and statutes which govern the proceedings terminated by the enclosed Consent Agreement and Final Order, please contact Mr. Jim Sullivan at (415) 972-3309.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey B. Scott".

Jeffrey B. Scott
Director
Waste Management Division

Enclosure

cc: Bill Jones
Environmental Manager
Price Pfister
13500 Paxton Street
Pacoima, CA 91333-4518

Lorraine Sedlak
Black & Decker
19701 Davinci
Lake Forest, CA 92610

Charles McLaughlin, Branch Chief
State Regulatory Programs Division
Department of Toxic Substances Control
10151 Croyden Way, Suite 3
Sacramento, CA 95827-2106



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

CERTIFIED MAIL NO. 7001 2510 0003 5943 5632
RETURN RECEIPT REQUESTED

In any reply, refer to: WST-3
Price Pfister
EPA I.D. No. CAD008384190

Ms. Eileen Nottoli
Allen, Matkins, Leck, Gamble & Mallory
333 Bush Street, 17th Floor
San Francisco, California 94104-2806.

Re: In the matter of Price Pfister -- U.S. EPA Docket No. RCRA-09-2002-0009

Dear Ms. Nottoli:

Enclosed is an original of the fully executed Consent Agreement and Final Order which contains the terms of the settlement reached with the United States Environmental Protection Agency. Also enclosed is the Funds Transfer Deposit Form for payment of the penalty.

Your completion of all compliance actions enumerated in the Consent Agreement and Final Order will close this case. If you have any questions regarding the rules, regulations and statutes which govern the proceedings terminated by the enclosed Consent Agreement and Final Order, please contact Mr. Jim Sullivan at (415) 972-3309.

Sincerely,

Jeffrey B. Scott
Director
Waste Management Division

MAIL CODE	Sullivan WST-3	Karr ORC-3	Schultz WST-3	Hingerty ORC-3	Vaille WST-1	Scott WST-1
SURNAME	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
DATE	9/26/02	9/26/02	9/27/02	9/26/02	9/27/02	9/27/02

U.S. EPA CONCURRENCES

OFFICIAL FILE COPY

Name

5/29/02
Phone

Jim Sullivan
Lorraine Sedlak
Bill Jones
Eileen Nottoli
Harrison Karr

USEPA
BDH1
Price Pfister
Allen Mattkins
EPA-ORC

415-972-3300
949-672-4083
818-686-4277
415-273-7481
415-972-3939

Allen Matkins Leck Gamble & Mallory LLP

attorneys at law

Allen Matkins

333 Bush Street 17th Floor San Francisco California 94104-2806
telephone. 415 837 1515 facsimile. 415 837 1516 www.allenmatkins.com

writer. Eileen M. Nottoli **t.** 415 273 7481

file number. B0815-006/SF568161.01 **e.** enottoli@allenmatkins.com

May 31, 2002

SETTLEMENT COMMUNICATION

VIA FACSIMILE AND
FIRST CLASS MAIL

Harrison Karr, Esq.
Assistant Regional Counsel
Office of Regional Counsel
75 Hawthorne Street
San Francisco, CA 94105

Re: Price Pfister
EPA ID Number CAD008384190

Dear Mr. Karr:

On behalf of Price Pfister, we appreciated the opportunity to meet with you and Jim Sullivan on May 29. In light of those discussions, we thought it would be helpful to bring the following points to EPA's attention to supplement Price Pfister's March 8 response to Mr. Sullivan.

1. Enclosed hereto is a copy of the Unified Program Form Business Owner/Operator Identification which Price Pfister submitted to the Los Angeles Fire Department in May 2001. It lists the current emergency contacts for Price Pfister and documents the company's compliance with RCRA as authorized to California and delegated to the certified unified program agency. Consequently, Price Pfister had complied with the applicable requirements concerning submission of current facility contact information.
2. As Lito Arambulo stated by telephone on May 29, the area around the drier was swept every morning. Mr. Arambulo estimated that approximately $\frac{3}{4}$ of a soda can of dust was picked up each morning. The amount of dust was, therefore, minimal. Enclosed hereto is a copy of the wind rose for Los Angeles showing that the prevailing wind direction is from the west-southwest. The wind rose was developed by Pacific Environmental Services, Inc. (PES) using the program WRPLOT for the U. S. Environmental Protection Agency. As discussed at our

SETTLEMENT COMMUNICATION

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May 29 meeting, the sludge drier was located in Building X which is covered and has a paved surface with a 4" berm. In addition, Building X is located approximately 6 feet below grade to the north and has a 15 foot wall on the east side. Consequently, any dust that fell onto the paved surface would have been contained within the area and swept up.

3. Enclosed hereto is the analytical data for the wastewater sludge. While Price Pfister uses hexavalent chromium in its plating operations, the wastewater treatment process reduces the hexavalent chromium to trivalent chromium with sodium metabisulfite. Consequently, the value of 30,750 ppm for chromium is in the form of trivalent chromium. Although there is no reasoned basis to assume that any sludge dust was in contact with soil, the value of chromium in the sludge is well below the PRG for trivalent chromium of 100,000 ppm.

Given that the prevailing wind direction comes from the west-southwest, there is daily sweeping, and the existence of containment afforded by the walls surrounding the drier, the company concludes that there is no reasoned basis to infer that any sludge dust was released to soil or groundwater. Even if the dust were to have been deposited on soil, the EPA industrial PRG for trivalent chromium is 100,000 ppm which is well above the level reported in the assay. For these reasons, Price Pfister concludes that the second and third allegations in the Agency's April 16 letter are properly characterized as having a no potential for harm under the RCRA Civil Penalty Policy because the lack of evidence of contamination of soil or groundwater, low likelihood of transport, low quantity and toxicity of the sludge, and absence of a threat to local residents or wildlife.

The facts of Price Pfister are comparable to those of *in the Matter of: Weatherford Artificial Lift Systems, Inc.*, Docket No. RCRA 06-2001-0909, in which EPA settlement for \$10,725 a complaint concerning chromic acid sludge in containers that were open, in poor condition and without required labeling as well as the facilities failure to conduct weekly inspections. A copy of the settlement document is enclosed for comparative purposes.

Price Pfister is committed to environmental compliance. As discussed at our meeting, Price Pfister has hired and trained a new employee to assist in implementing the compliance program and has further trained its employees on the importance of full compliance with all applicable requirements. In addition, Price Pfister has followed through with its progressive disciplinary program wherein supervisors are first given an oral warning followed by a written warning in their personnel file which will be followed by suspension and, if non-conformance continues, termination.

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Please contact me if you have any further questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Eileen Nottoli".

Eileen M. Nottoli

EMN

cc: Lorraine M. Sedlak

**UNIFIED PROGRAM (UP) FORM
BUSINESS OWNER/OPERATOR IDENTIFICATION**

☐ NEW BUSINESS ☐ OUT OF BUSINESS ☐ REVISE/UPDATE (EFFECTIVE / /)

PAGE **1** OF **1**

I. IDENTIFICATION

FACILITY ID#	100	BEGINNING DATE	101	ENDING DATE	101
BUSINESS NAME (Same as FACILITY NAME or DBA - Ongoing Business Act)			BUSINESS PHONE		
Price Pfister Inc.			818-686-4277		
BUSINESS SITE ADDRESS					
13500 Paxton Street					
CITY	104	CA	105	ZIP CODE	106
Pacoima				91331	
DUN & BRADSTREET	108	SIC CODE (4 digit #)	107		
10-888-1335		3432			
COUNTY	109	UNINCORPORATED	133a		
LOS ANGELES		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
BUSINESS OPERATOR NAME	109	BUSINESS OPERATOR PHONE	110		
Robert Hoens		818-686-4715			

II. BUSINESS OWNER

OWNER NAME	111	OWNER PHONE	112
The Black & Decker Corporation		710-716-3900	
OWNER MAILING ADDRESS			
701 East Jappa Road			
CITY	114	STATE	115
Towson		MD	
		ZIP CODE	116
		21286	

III. ENVIRONMENTAL CONTACT

CONTACT NAME	117	CONTACT PHONE	118
William Jones		818-686-4277	
CONTACT MAILING ADDRESS			
13500 Paxton Street			
CITY	120	STATE	121
Pacoima		CA	
		ZIP CODE	122
		91331	

-PRIMARY-

IV. EMERGENCY CONTACTS

-SECONDARY-

NAME	123	NAME	128
William Jones		Lito Arambulo	
TITLE	124	TITLE	129
Health Safety and Environmental Manager		Environmental Process Supervisor	
BUSINESS PHONE	125	BUSINESS PHONE	130
818-686-4277		818-686-4293	
24-HOUR PHONE	126	24-HOUR PHONE	131
818-253-5013		818-998-2143	
PAGER #	127	PAGER #	132
714-810-2281		818-254-6072	

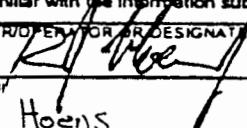
V. ADDITIONAL LOCALLY COLLECTED INFORMATION

NUMBER OF EMPLOYEES	133a	FEDERAL TAX IDENTIFICATION NUMBER	133b
480		95-3844796	

MAILING/ BILLING INFORMATION

ADDRESS	133c	CITY	133d	STATE	133e	ZIP CODE	133f
13500 Paxton Street		Pacoima		CA		91331	

Certification: Based on my inquiry of those individuals responsible for obtaining the information, I certify under penalty of law that I have personally examined and am familiar with the information submitted and believe the information is true, accurate, and complete.

SIGNATURE OF OWNER/OPERATOR OR DESIGNATED REPRESENTATIVE	DATE	NAME OF DOCUMENT PREPARER
 5-4-01	2001-05-04	William Jones
NAME OF SIGNER (Print)	TITLE OF SIGNER	
Robert Hoens	Plant Manager	

OFFICIAL USE ONLY	UP Form	HW	HM	ARP	AST	UST	TP	CUPA	PA
INSPECTOR	DISTRICT	DATE OF INSPECTION	DIVISION	BATTALION	STATION				

Los Angeles/LAX, CA 88-92

January 1 -

December 31

7 AM - 6 PM

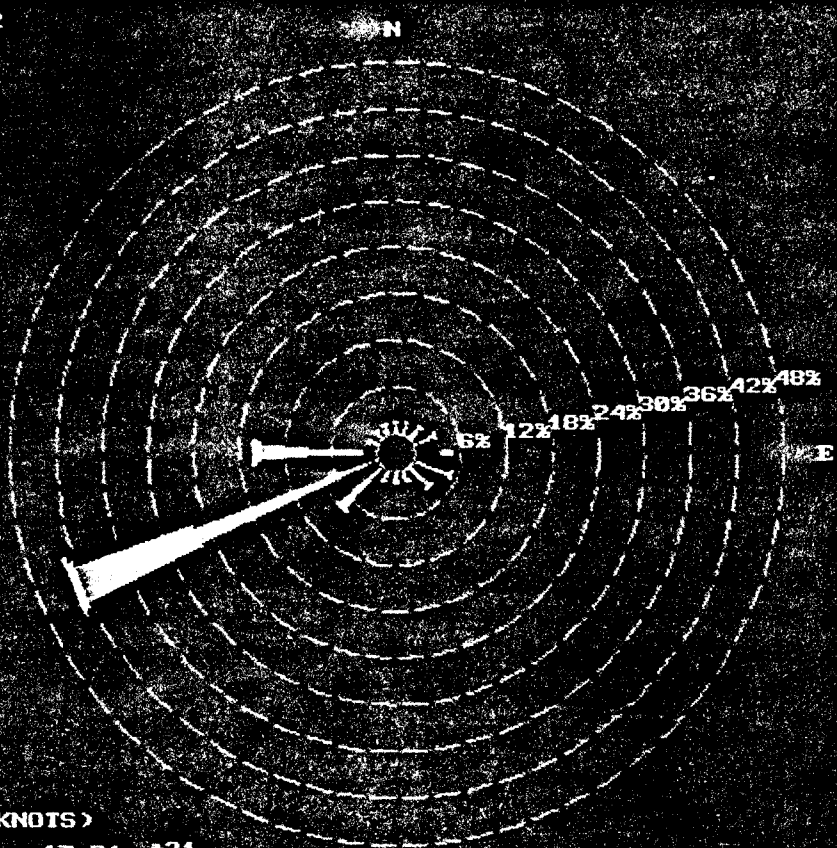
NOTE: Frequencies
indicate direction
from which the
wind is blowing.

CALM WINDS 3.23%

WIND SPEED (KNOTS)

1-3 4-6 7-10 11-16 17-21 +21

CALMS





WORLD RESOURCES COMPANY

Form FM-M01

RECYCLABLE MATERIAL PROFILE

EXHIBIT A**A. Generator Information:**

Company I.D. Number: W1168A

1. Generator: Price Pfister Inc.
2. Address: 13500 Paxton Street
Pacifica, CA 91331
3. Contact: Mr. William J. Jones
Title: Health, Safety & Environmental Manager

4. Material EPA Waste Code: F006
5. Generator's EPA I.D. Number: CAD008384190
6. Generator's State I.D. Number: HAHQ36006636

B. Recyclable Material Characteristics:

1. Color(s): <u>Brown, Tan</u>	6. Texture similar to: <input checked="" type="checkbox"/> Wet Clay <input checked="" type="checkbox"/> Dry Clay <input type="checkbox"/> Sand <input type="checkbox"/> Powder <input type="checkbox"/> Other	7. Appearance <input checked="" type="checkbox"/> Homogeneous <input type="checkbox"/> Bilayered <input type="checkbox"/> Multilayered	9. Free Liquids (EPA SW 846, Method 9095) Present: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
2. Odor: <input checked="" type="checkbox"/> None <input type="checkbox"/> Mild <input type="checkbox"/> Strong Description of Odor: _____	8. Organic Vapors <input checked="" type="checkbox"/> Not Present (<1 ppm) <input type="checkbox"/> Present If present, identify compounds and amount (ppm wet): _____ _____ _____ <input checked="" type="checkbox"/> Pass <input type="checkbox"/> Fail	10. Debris Present <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	11. Reactivity <input checked="" type="checkbox"/> Not Reactive <input type="checkbox"/> Reactive
3. Moisture: <input checked="" type="checkbox"/> Wet <input type="checkbox"/> Damp <input checked="" type="checkbox"/> Dry Percent Solids: <u>28.50</u>	12. Radionuclides (ASTM D5928-96) <input checked="" type="checkbox"/> Not Detected <input type="checkbox"/> Detected	13. Cyanide Gas HCN: <input checked="" type="checkbox"/> Not Detected <input type="checkbox"/> Detected _____ ppm	
4. pH (EPA SW 846, Method 9040/9045) pH: <u>9.46</u>	5. Ignitability (40 CFR §261.21) <input checked="" type="checkbox"/> Pass <input type="checkbox"/> Fail		

C. Analytical Data:

(Content on a dry weight basis in ppm or %)

Constituent *	Content	Constituent *	Content
1. Aluminum ¹	Al <u>5904 ppm</u>	19. Magnesium ²	Mg <u>5705 ppm</u>
2. Antimony ¹	Sb <u>166 ppm</u>	20. Manganese ¹	Mn <u>126 ppm</u>
3. Arsenic ¹	As <u>< 53.0 ppm</u>	21. Mercury ³	Hg <u>< 7.00 ppm</u>
4. Barium ¹	Ba <u>22 ppm</u>	22. Nickel ¹	Ni <u>58170 ppm</u>
5. Beryllium ¹	Be <u>< 4.00 ppm</u>	23. Selenium ¹	Se <u>< 63.0 ppm</u>
6. Bismuth ¹	Bi <u>< 12 ppm</u>	24. Silver ¹	Ag <u>10 ppm</u>
7. Cadmium ¹	Cd <u>< 5.1 ppm</u>	25. Thallium ⁴	Tl <u>< 94.0 ppm</u>
8. Calcium ¹	Ca <u>169600 ppm</u>	26. Tin ¹	Sn <u>558 ppm</u>
9. Chloride ⁷	Cl ⁻ <u>0.28 %</u>	27. Zinc ¹	Zn <u>2321 ppm</u>
10. Chromium, Hexavalent ⁵	Cr ⁺⁶ <u>0 ppm</u>		
11. Chromium, Total ¹	Cr <u>30750 ppm</u>		
12. Cobalt ¹	Co <u>22 ppm</u>		
13. Copper ¹	Cu <u>29360 ppm</u>		
14. Cyanide, Amenable ⁶	CN ⁻ <u>0 ppm</u>		
15. Cyanide, Total ⁶	CN ⁻ <u>0 ppm</u>		
16. Fluoride ⁷	F ⁻ <u>0.04 %</u>		
17. Iron ¹	Fe <u>2667 ppm</u>		
18. Lead ¹	Pb <u>422 ppm</u>		

*** Analytical Procedure References:**

1. EPA Method SW846 3050 / 6010 (Digestion / Analysis)
2. EPA Method SW846 3050 / 7450 or 6010 (Digestion / Analysis)
3. EPA Method SW846 3050 / Hydride generation (Digestion / Analysis)
4. EPA Method SW846 3050 / 7840 or 6010 (Digestion / Analysis)
5. EPA Method SW846 1311 or 3060 / 7196 (Extraction / Analysis)
6. EPA Method SW846 9010 (Distillation / Analysis)
7. HNO₃ or H₂O₂ / EPA Method SW846 9056 (Digestion / Analysis)

D. Certification:

I hereby certify that all information submitted in this profile is complete and accurate to the best of my knowledge and belief.

Signed: _____

Date: 11/29/2001

Title: _____

Laboratory Manager

Copr. © West 2002 No Claim to Orig. U.S. Govt. Works

2001 WL 1667641 (E.P.A.)

United States Environmental Protection Agency (E.P.A.)

Region VI

IN THE MATTER OF: WEATHERFORD ARTIFICIAL LIFT SYSTEMS, INC. LONGVIEW,
TEXAS EPA I.D. NO. TXT490012747, RESPONDENT

Resource Conservation and Recovery Act

Docket No. RCRA 06-2001-0909

September 28, 2001

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COMPLAINT AND CONSENT AGREEMENT AND FINAL ORDER

I.

PRELIMINARY STATEMENT

1. This Complaint and Consent Agreement and Final Order (Complaint and CAFO) is issued by EPA for the assessment of civil penalties and compliance order pursuant to Section 3008 of the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. § 6928, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules), found at 40 C.F.R. Part 22.
2. The Complainant is the Director of the Compliance Assurance and Enforcement Division, United States Environmental Protection Agency (EPA), Region 6, who by lawful delegation is authorized to issue such Complaints in the States of Arkansas, Louisiana, Oklahoma, New Mexico, and Texas. The Respondent is Weatherford Artificial Lift Systems located in Longview, Texas.
3. The Complainant and Respondent have agreed to a settlement of this action before the filing of a Complaint, and thus, this action is simultaneously commenced and concluded pursuant to the Consolidated Rules.
4. The Respondent admits the jurisdictional allegations of this Complaint and CAFO; however, the Respondent neither admits nor denies the Findings of Fact and Conclusions of Law contained in this Complaint and CAFO, which Findings of Fact and Conclusions of Law reflect the allegations of the Complainant.
5. The Respondent expressly waives its rights to request a hearing on any issue of law or fact set forth herein and, solely for the purposes of this Complaint and CAFO, waives all defenses which have been raised or could have been raised to the claims set out in this Complaint and CAFO.
6. The Respondent consents to the issuance of the Complaint and CAFO hereinafter recited and consents to the assessment and payment of the stated civil penalty in the amount and by the method set out in this Complaint and CAFO.

II.

NOTICE TO THE STATE

7. Notice of this action has been given to the State of Texas prior to the

issuance of this Complaint and CAFO pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

III.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

8. Respondent is a corporation incorporated in and under the laws of the State of Texas and authorized to do business in Texas on October 5, 1992.

9. Respondent is a "person" as that term is defined in 30 TEX.ADMIN.CODE § 335.1, [40 Code of Federal Regulations (C.F.R.) § 260.10], and Section 1004 (15) of RCRA, 42 U.S.C. § 6903(15).

10. Respondent's Registered Agent for service in the State of Texas is Corporation Service Company (CSC), 800 Brazos, Austin, TX 78701.

11. Respondent owns and operates an electroplating business along with all contiguous land and structures, other appurtenances and improvement at the junction of FM 2751 at FM 449, Longview, Texas (Plant).

12. The Respondent's Plant is a "Facility" as that term is defined at TEX.ADMIN.CODE § 335.1, [40 C.F.R. § 260.10].

13. For purposes of this Complaint, the term "Hazardous Waste" shall mean "Hazardous Waste" as defined at 30 TEX.ADMIN.CODE § 335.1, [40 C.F.R. § 261.3] and "Industrial Hazardous Waste" as defined at 30 TEX.ADMIN.CODE § 335.1.

14. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), on or about June 13, 1977, Respondent filed a Notification of Registration with the TNRC as a Large Quantity Generator of Hazardous Waste.

15. Pursuant to RCRA 3007(a), 42 U.S.C. § 6927(a), on June 27, 2000, EPA's representatives conducted a Compliance Evaluation Inspection (Inspection) at Respondent's Facility.

16. At the time of the Inspection, the Facility operated seven hard chrome electroplating tanks, a Container Storage Area, (hereinafter "CSA"), and two Satellite Accumulation Areas (SAAs), (hereinafter "SAA I" and "SAA II").

17. During the Inspection, EPA representatives observed, documented and photographed a total of fourteen containers in the CSA. Some of the containers were full; some were partially full.

18. During the Inspection, EPA representatives observed, documented, and

photographed three containers in SAA I. Each container was full.

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19. During the Inspection, EPA representatives observed, photographed and documented three containers in SAA II. Each container was full.

20. During the Inspection, Respondent's representative informed EPA's that the containers in the CSA and SAA I and SAA II held chromic acid sludge generated from their electroplating processes.

21. During the Inspection, Respondent's representative indicated that the containers in the CSA and SAA I and SAA II held hazardous waste based upon knowledge of process.

22. During the Inspection, Respondent's representative provided EPA's representative with a manifest, showing that it manifested the chromic acid sludge identified in paragraph 20 as F006 and D007.

23. The material identified in paragraph 20 is a "Solid Waste" as that term is defined in 30 TEX.ADMIN.CODE § 335.1, [40 C.F.R. § 261.2].

24. Pursuant to TEX.ADMIN.CODE § 335.1, [40 C.F.R. § 261.31], the solid waste, identified in paragraph 20, is a listed hazardous waste from a non-specific source that is listed for wastewater treatment sludges from electroplating operations with the EPA Hazardous Waste Number F006.

25. The material identified in paragraph 20 is a "Hazardous Waste" as that term is defined in 30 TEX.ADMIN.CODE § 335.1, [40 C.F.R. § 261.3].

26. Respondent is a "Generator" as that term is defined in 30 TEX.ADMIN.CODE § 335.1, [40 C.F.R. § 260.10].

27. During the Inspection, a review of Respondent's records was conducted to ascertain Respondent's compliance with the record keeping requirements under TEX.ADMIN.CODE and the C.F.R.

28. Pursuant to 30 TEX.ADMIN.CODE § 335.69(a), [40 C.F.R. § 262.34(a)], a generator may accumulate hazardous waste on-site for ninety (90) days or less without a permit, or interim status, provided that the containers of hazardous waste are marked with the beginning date of accumulation, labeled or marked clearly with the words "Hazardous Waste", and the generator complies with the applicable requirements of 40 C.F.R. Part 265.

29. At the time of the Inspection, Respondent did not have a permit or interim status for the CSA, identified in paragraph 17 above.

30. At the time of the Inspection, Respondent observed and photographed the containers identified in paragraph 17 above; none of the 14 containers were

marked with the beginning date of accumulation.

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31. At the time of the Inspection, Respondent observed and photographed the containers identified in paragraph 17 above; three of the fourteen containers were not labeled and marked with the words, "Hazardous Waste."

32. Pursuant to 40 C.F.R. § 265.171 which is adopted by reference in 30 TEX.ADMIN.CODE § 335.112(a)(8), if a container holding hazardous waste is not in good condition, or if it begins to leak, the owner or operator must transfer the hazardous waste from this

container to a container that is in good condition, or manage the waste in some other way that complies with the requirements of this part.

33. At the time of the Inspection, at least seven of the containers identified in paragraph 17 above were observed, documented and photographed in poor condition.

34. Pursuant to 40 C.F.R. § 265.173(a) which is adopted by reference in 30 TEX.ADMIN.CODE § 335.112(a)(8), a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

35. At the time of the Inspection, EPA representatives observed, documented and photographed at least eleven of the containers identified in paragraph 17 to be "open."

36. Pursuant to 40 C.F.R. § 265.174 which is adopted by reference in 30 TEX.ADMIN.CODE § 335.112(a)(8), the owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.

37. During the records review portion of the Inspection, Respondent could not provide documentation to verify that it had performed weekly inspections of these containers.

38. Pursuant to 40 C.F.R. § 265.16(a)(1) which is adopted by reference in 30 TEX.ADMIN.CODE § 335.69(a)(4), facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this part. The owner or operator must ensure that this program includes all the elements described in the document required under paragraph (d)(3) of 40 C.F.R. § 265.16.

39. During the records review portion of the Inspection, the Respondent could not provide documentation to verify that it had conducted personnel training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements.

40. On the day of the Inspection, Respondent failed to meet the exemption requirements of 30 TEX.ADMIN.CODE § 335.69, [40 C.F.R. § 262.34] for the CSA by failing to label or clearly mark each container of hazardous waste with the words "Hazardous Waste", by failing to mark the dates accumulation began on each container of hazardous waste, by failing to store hazardous waste in a container that is in good condition, by failing to close its containers of hazardous waste when waste was neither being added nor removed, by failing to document that it performed weekly inspections in areas where containers are stored, and by failing to document that it successfully completed personnel training.

41. Therefore, Respondent violated Section 3005(a) of RCRA 42 U.S.C. § 6925 (a), 30 TEX.ADMIN.CODE § 335.2, [40 C.F.R. §§ 270.1 and 270.10] by storing hazardous waste without a permit or interim status.

42. Pursuant to 30 TEX.ADMIN.CODE § 335.69(d), [40 C.F.R. § 262.34(c)(1)], a generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 40 C.F.R. § 261.33(e) in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with paragraph (a) of 40 C.F.R. § 262.34 provided that the facility complies with additional applicable requirements.

43. Respondent does not have a permit or interim status to store hazardous waste in SAA I, identified in paragraph 18.

44. During the Inspection, EPA representatives observed, documented and photographed the three 55-gallon containers identified in paragraph 18 to be full.

45. Pursuant to 40 C.F.R. § 265.173(a) which is adopted by reference in 30 TEX.ADMIN.CODE § 335.69(d)(1), a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

46. At the time of the Inspection, two of the containers identified in paragraph 18 above were not closed during storage.

47. Pursuant to 30 TEX.ADMIN.CODE § 335.69(d)(2), [40 C.F.R. § 262.34(c)(1)(ii)], the facility must mark its containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

48. During the Inspection, two of the containers identified in paragraph 18 were observed, documented and photographed as lacking labels with the words, "Hazardous Waste."

49. Pursuant to 30 TEX.ADMIN.CODE § 335.69(e), [40 C.F.R. § 262.34(c)(2)], a generator who accumulates either hazardous waste or acutely hazardous waste

listed in 40 C.F.R. § 261.33(e) in excess of the amounts listed in paragraph (c)(1) of this section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with paragraph (a) of this section or other applicable provisions of this chapter. During the three day period the generator must continue to comply with paragraphs (c)(1)(i) through (ii) of this section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

50. During the Inspection, EPA representatives observed, photographed and documented that none of the containers identified in paragraph 18 were marked with the date that excess accumulation began.

51. On the day of the Inspection, Respondent failed to meet the exemption requirements of 30 TEX.ADMIN.CODE § 335.69, [40 C.F.R. § 262.34] for SAA I by failing to mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating, by failing to mark containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers, and by failing to hold hazardous waste in containers that are closed during storage.

52. Therefore, Respondent violated Section 3005(a) of RCRA 42 U.S.C. § 6925(a), 30 TEX.ADMIN.CODE § 335.2, [40 C.F.R. § 270.1 and 270.10] by storing hazardous waste without a permit or interim status.

53. Pursuant to 30 TEX.ADMIN.CODE § 335.69(d), [40 C.F.R. § 262.34(c)(1)], a generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 40 C.F.R. § 261.33(e) in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with paragraph (a) of 40 C.F.R. § 262.34 provided that the facility complies with additional applicable requirements.

54. Respondent does not have a permit or interim status to store hazardous waste in SAA II, identified in paragraph 19 above.

55. Pursuant to 40 C.F.R. § 265.173(a) which is adopted by reference in 30 TEX.ADMIN.CODE § 335.69(d)(1), a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

56. During the Inspection, one of the containers identified in paragraph 19 above was not closed during storage.

57. Pursuant to 30 TEX.ADMIN.CODE § 335.69(e), [40 C.F.R. § 262.34(c)(2)], a generator who accumulates either hazardous waste or acutely hazardous waste listed in 40 C.F.R. § 261.33(e) in excess of the amounts listed in paragraph (c)(1) of this section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with paragraph (a) of this section or other applicable provisions of this chapter. During the three day period the generator must continue to comply with paragraphs (c)(1)

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(i) through (ii) of this section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

58. During the Inspection, EPA representatives observed, photographed and documented three 55-gallon containers identified in paragraph 19 above to be full.

59. During the Inspection, EPA representatives observed, documented and photographed that none of the containers identified in paragraph 19 above were marked with the date that excess accumulation began.

60. On the day of the Inspection, Respondent failed to meet the exemption requirements of 30 TEX.ADMIN.CODE § 335.69, [40 C.F.R. § 262.34] for SAA II by failing to mark the containers holding the excess accumulation of hazardous waste with the date the excess amount began accumulating and by failing to hold hazardous waste in containers that are closed during storage.

61. Therefore, Respondent violated Section 3005(a) of RCRA 42 U.S.C. § 6925(a), 30 TEX.ADMIN.CODE § 335.2, [40 C.F.R. § § 270.1 and 270.10] by storing hazardous waste without a permit or interim status.

IV.

COMPLIANCE ORDER

Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent is hereby ORDERED to take the following actions and provide evidence of compliance.

A. Within sixty (60) days of the effective date of this Complaint and CAFO, Respondent shall submit to the EPA, a written certification that, as of the date of the certification, all hazardous waste generated at its Facility is stored in compliance with 30 TEX.ADMIN.CODE § 335.69, [40 C.F.R. § 262.34].

B. In all instances in which this Order requires written submissions to EPA, each submission must be accompanied by the following certification signed by a "responsible official":

"I certify that, to the best of my knowledge and belief, the information contained in or accompanying this submission is true, accurate and complete. As to those identified portions of this submission for which I cannot personally verify the truth and accuracy, I certify as the company official having supervisory responsibility for the person(s) who, acting upon my direct instructions, made the verification, that this information is true, accurate, and complete."

C. For the purpose of this certification, a "responsible official" of a Respondent means a person with the authority to bind the Respondent as to the truth, accuracy and completeness of all certified information.

D. Copies of all documents required by this Complaint and CAFO shall be sent to the following persons:

Sam Tate, Acting Chief

Texas Section (6EN-HT)

RCRA Enforcement Branch

U.S. EPA, Region 6

1445 Ross Avenue, Suite 1200

Dallas, Texas 75202-2733

Attn: Gabriel Salinas

Ann McGinley, Director

Office of Enforcement

Texas Natural Resources Conservation Commission

P.O. Box 13087, Capitol Station

Austin, Texas 78711

Gloria Moran (6RC-EW)

Legal Enforcement Branch

U.S. EPA, Region 6

1445 Ross Avenue, Suite 1200

Dallas, Texas 75202-2733

NOTICE: If you fail to take the required action(s) within the time specified in the Order, you may be liable for an additional penalty of up to TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$ 27,500.00) for each day of continued noncompliance, and may be subject to further enforcement action, including an injunction from any further generation, transportation, treatment, storage or disposal of hazardous waste and such other and further relief as may be necessary to achieve compliance with Subtitle C of RCRA, all pursuant to Section 3008(c) of RCRA, 42 U.S.C. § 6928(c).

V.

PARTIES BOUND

The provisions of this Complaint and CAFO shall apply to and be binding upon the parties to this action, their officers, directors, agents, servants, employees, successors, and assigns. The undersigned representative of each

party to this certifies that he or she is fully authorized by the party whom^{Page 10 of 12}
he or she represents to enter into the terms and conditions of this Complaint
and CAFO and to execute and to legally bind that party to it.

VI.

CIVIL PENALTY

Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the above Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, but are neither admitted nor denied by the Respondent, and upon consideration of the seriousness of the violations, and Respondent's good faith efforts to comply with the applicable regulations, and the October 1990 RCRA Civil Penalty Policy, Complainant proposes to assess, and Respondent agrees to pay a civil penalty of TEN THOUSAND SEVEN HUNDRED TWENTY FIVE DOLLARS (\$10,725).

The ten thousand seven hundred twenty five dollars (\$10,725) penalty shall be paid in one (1) total payment.

The total payment of TEN THOUSAND SEVEN HUNDRED TWENTY FIVE DOLLARS (\$10,725) shall be paid by mailing a money order, cashier's check, or certified check made payable to the Treasurer of the United States within thirty (30) days of the effective date of this CAFO. The payment should be mailed to the:

Regional Hearing Clerk (6C)

U.S. EPA, Region 6

P.O. Box 360582M

Pittsburgh, Pennsylvania 15251

Docket number RCRA-06-2001-0909 shall be clearly typed on the check to ensure proper credit. Respondent shall send a simultaneous notice of such payments, including a copy of the money order, cashier's check, or certified check to the following:

Sam Tates, Acting Chief

Texas Section (6EN-HT)

RCRA Enforcement Branch

U.S. EPA - Region 6

1445 Ross Avenue

Dallas, Texas 75202-2733

Attention: Gabriel Salinas

Gloria Moran, (6RC-EW)

Office of Regional Counsel

Legal Enforcement Branch

U.S. EPA - Region 6

1445 Ross Avenue

Dallas, Texas 75202-2733

Adherence to this request will ensure proper credit is given when payments are received.

If EPA does not receive payment within thirty (30) days of the due date, interest will accrue on the amount due from the due date at the current annual rate prescribed and published by the Secretary of the Treasury in the Federal Register and the Fiscal Requirements Manual Bulletin per annum through the date of payment.

If the payment is overdue, EPA will also impose a late payment handling charge of FIFTEEN DOLLARS (\$15.00) for each subsequent thirty (30) day period. Finally, EPA will apply a six (6%) percent per annum penalty on any principal amount not paid within ninety (90) days of the due date. Other penalties for failure to make a payment may also apply.

VII.

STIPULATED PENALTIES

In addition to any other remedies or sanctions available to EPA, if the Respondent fails or refuses to comply with its obligations specified in Sections IV and VI of this Complaint and CAFO, the Respondent shall pay stipulated penalties in the following amounts for each day during which each failure or refusal to comply continues:

Period of Failure to Comply Penalty Per Violation Per Day

1st through 15th day \$ 1,000.00

16th through 30th day \$ 5,000.00

31st day and beyond \$10,000.00

Penalties shall accrue from the date of the noncompliance until the failure is corrected.

The payment of stipulated penalties shall be made by mailing a money order, cashier's check, or certified check payable to Treasurer of the United States, within thirty (30) days of receipt of a demand letter for payment to

the following address:

Regional Hearing Clerk (6C)

U.S. EPA, Region 6

P.O. Box 360582M

Pittsburgh, PA 15251

Docket No. RCRA-06-2001-0909 shall be clearly typed on the check to ensure credit. The Respondent shall send simultaneous notices of such payments, including copies of the money order, cashier's check or certified check to the following:

Sam Tates, Acting Chief

Texas Section (6EN-HT)

RCRA Enforcement Branch

U.S. EPA - Region 6

1445 Ross Avenue

Dallas, Texas 75202-2733

Attention: Gabriel Salinas

Gloria Moran, (6RC-EW)

Office of Regional Counsel

Legal Enforcement Branch

U.S. EPA - Region 6

1445 Ross Avenue

Dallas, Texas 75202-2733

Adherence to these procedures will ensure proper credit when payments are received.

In addition to the stipulated penalties set forth above, EPA specifically reserves the right to seek other remedies or sanctions available to the EPA by reason of the Respondent's failure to comply with the requirements of this CAFO, including sanctions that EPA may seek under Section 3008 of RCRA, 42 U.S.C. § 6928.

VIII.

NOTIFICATION

Unless otherwise specified elsewhere in this Complaint and CAFO, whenever notice is required to be given, whenever a report or other document is required to be forwarded by one party to another, or whenever a submission or demonstration is required to be made, it shall be directed to the individuals specified below at the addresses given (in addition to any action specified by law or regulation), unless these individuals or their successors give notice in writing to the other parties that another individual has been designated to receive the communication:

EPA: Sam Tates, Acting Chief

Texas Section (6EN-HT)

RCRA Enforcement Branch

U.S. EPA - Region 6

1445 Ross Avenue

Dallas, Texas 75202-2733

Attention: Gabriel Salinas

Respondent: Weatherford Artificial Lift Systems, Inc.

Attention: Ms. Carol Tatay

515 Post Oak Boulevard, Suite 600

Houston, TX 77027

IX.

MODIFICATION

The terms, conditions, and compliance requirements of this Complaint and CAFO may not be modified or amended except as otherwise specified in this Complaint and CAFO, or upon the written agreement of both parties, and such modification or amendment shall be filed with the Regional Hearing Clerk.

X.

RETENTION OF ENFORCEMENT RIGHTS

Nothing in this Complaint and CAFO shall be interpreted to limit or waive EPA authority to enforce State or Federal regulations, statutes or programs. Further, except with respect to the matters settled by this Complaint and CAFO, EPA does not waive any rights or remedies available to the United States or EPA for any violations by Respondent pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority. In the event EPA finds that Respondent's handling, storage, treatment, transportation or disposal of solid waste or hazardous waste at the facility presents an imminent and substantial endangerment to human health or the environment, EPA retains the

right to seek immediate and full compliance from Respondent.

D-11-615

XI.

INDEMNIFICATION OF EPA

Neither EPA nor the United States Government shall be liable for any injuries or damages to persons or property resulting from the acts or omissions of the Respondent, their officers, directors, employees, agents, receivers, trustees, successors, assigns, or contractors in carrying out the activities required by this Complaint and CAFO, nor shall EPA or the United States Government be held out as a party to any contract entered into by the Respondent in carrying out the activities required by this Complaint and CAFO.

XII.

RECORD PRESERVATION

The Respondent shall preserve, during the pendency of this Complaint and CAFO, all records and documents in its possession or in the possession of its divisions, employees, agents, contractors, or successors which in any way relate to this Complaint and CAFO regardless of any document retention policy to the contrary.

XIII.

COSTS

Each party shall bear its own costs and attorneys fees.

XIV.

TERMINATION

At such time as the Respondent believes that it has complied with all terms and conditions of this Complaint and CAFO, it may request that EPA advise whether the requirements of this Complaint and CAFO have been satisfied. Such request shall be in writing and shall provide the necessary certification that there has been full compliance with Sections IV and VI of this Complaint and CAFO. EPA will respond to said request as expeditiously as possible. This Complaint and CAFO shall terminate when all actions required to be taken by Sections IV and VI of this Complaint and CAFO have been completed, and the Respondent has been notified by the EPA in writing that this Complaint and CAFO has been satisfied and terminated.

THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS COMPLAINT AND

CONSENT AGREEMENT AND FINAL ORDER:

[Signature]

Weatherford Artificial Lift Systems, Inc.

[Signature]

Samuel Coleman, P.E.

Director

Compliance Assurance and Enforcement Division (6EN)

This Complaint and CAFO is hereby adopted and issued pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22.

It is so ORDERED. This Complaint and CAFO shall become effective immediately upon filing with the Regional Hearing Clerk.

[Signature]

Gregg A. Cooke

Regional Administrator (6RA)

U.S. Environmental Protection Agency, Reg. 6

2001 WL 1667641 (E.P.A.)

END OF DOCUMENT



May 10, 2002

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Sullivan
RCRA Enforcement Office (WST-3)
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105

Re: EPA I.D. No. CAD008384190

Dear Mr. Sullivan:

This is to confirm our conversation of May 3 in which we requested a meeting with you regarding disposition of issues raised by Francis Schultz's letter of April 16, 2002. As discussed, Price Pfister is interested in presenting further information on its ongoing efforts to assure compliance with all applicable environmental requirements. We understand that you will be available on Wednesday morning, May 29. To accommodate our travel from Southern California, we ask that the meeting be scheduled for 10 am.

Please call me at (818) 686-4277 if you have any questions.

Very truly yours,

William Jones

cc: Michael Thomas
Lorraine M. Sedlak



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

April 16, 2002

CERTIFIED MAIL 7000 1670 0009 3122 9845
RETURN RECEIPT REQUESTED

In reply, refer to: WST-3

Michael Thomas
Plant Manager
Price Pfister
13500 Paxton Street
P.O. Box 4518
Pacoima, CA 91333-4518

Re: Civil Administrative Action Against Price Pfister
EPA I.D. No. CAD008384190

Dear Mr. Thomas:

On October 18, 2001, representatives of the United States Environmental Protection Agency (EPA) conducted a Resource Conservation and Recovery Act ("RCRA") inspection ("inspection") at Price Pfister ("facility") located in Pacoima, California. Based on information gathered during the inspection, EPA is preparing to bring an administrative action against Price Pfister to ensure compliance and assess penalties, pursuant to Section 3008(a)(1) of RCRA, as amended, 42 U.S.C. § 6928(a)(1).

The allegations being considered include violations of the California Code of Regulations ("C.C.R."): 1) failure to obtain a hazardous waste permit in violation of 22 C.C.R. § 66270.1(c) [40 C.F.R. § 270.1(c)]; 2) failure to maintain and operate your facility to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air or soil which could threaten human health or the environment in violation of 22 C.C.R. § 66265.31 [40 C.F.R. § 265.31]; 3) open containers in violation of 22 C.C.R. § 66265.173(a) [40 C.F.R. § 265.173(a)]; 4) failure to properly mark containers in violation of 22 C.C.R. § 66262.34(e)(1)(E) [40 C.F.R. § 262.34(c)(1)(ii)]; 5) failure to conduct hazardous waste storage area inspections in violation of 22 C.C.R. § 66265.174 [40 C.F.R. § 265.174] and 6) failure to update the content of the facility's contingency plan in violation of 22 C.C.R. § 66265.52(d) [40 C.F.R. § 265.52(d)], which are federally enforceable regulations under the State's RCRA program.

In anticipation of filing a Determination of Violation, Compliance Order and Notice of Right to Request a Hearing (hereinafter "Complaint") against Price Pfister, EPA is extending to Price Pfister the opportunity to submit any information that EPA should consider before issuing the Complaint. Relevant information may include any evidence of reliance on compliance

assistance, additional compliance tasks performed subsequently to the inspection, or financial factors bearing on Price Pfister's ability to pay a civil penalty. In addition, EPA encourages Price Pfister to explore the possibility of settlement. If you are interested in commencing settlement negotiations, please contact Mr. James Sullivan of my staff at (415) 972-3309 by Tuesday, April 30, 2002, to schedule a meeting or conference call with Mr. Sullivan and the attorney assigned to this matter, Harrison Karr.

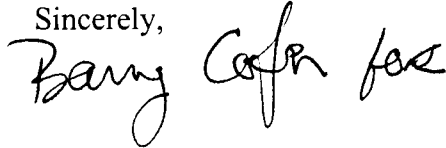
It is EPA's intention to file a Complaint against Price Pfister within the next 4 to 5 weeks unless Price Pfister advises EPA of substantial reasons not to proceed. Please send the response by certified mail, return receipt requested, addressed to:

James Sullivan
Environmental Engineer
RCRA Enforcement Office (WST-3)
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105

Any penalty proposed for violations of RCRA and its implementing regulations will be calculated pursuant to EPA's "RCRA Civil Penalty Policy." A copy of the "RCRA Civil Penalty Policy" is enclosed. Also enclosed is a copy of EPA's "Supplemental Environmental Projects Policy" ("SEP Policy"). EPA's SEP Policy describes the terms under which a commitment to perform an environmental project may mitigate, in part, an EPA civil penalty. EPA offers small businesses a wide variety of compliance assistance resources and tools designed to assist them to comply with Federal and State environmental laws. These resources and tools are contained in the enclosed fact sheet of supplemental information for small businesses subject to an U.S. EPA enforcement action.

EPA regulations governing confidentiality of business information are set forth in 40 C.F.R. Part 2, Subpart B. For any portion of the information submitted which is entitled to confidential treatment, please assert a confidentiality claim according to 40 C.F.R. § 2.203(b). If EPA determines that the information so designated meets the criteria set forth in 40 C.F.R. § 2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B. EPA will construe the failure to furnish a confidentiality claim with the response to this letter as a waiver of that claim. Information may be made available to the public by EPA without further notice. Also, enclosed for your information are requirements of the Securities and Exchange Commission ("SEC") for "registrants" to provide information on environmental legal proceedings to the public. To determine the applicability of these requirements to your company you should seek competent legal counsel as described in the enclosed Notice.

Thank you for your prompt attention to this matter. If you have any questions, please feel free to contact Mr. James Sullivan at (415) 972-3309, or Mr. Harrison Karr in the Office of Regional Counsel at (415) 972-3939.

Sincerely,


Frances C. Schultz,
Manager, RCRA Enforcement Office

Enclosures

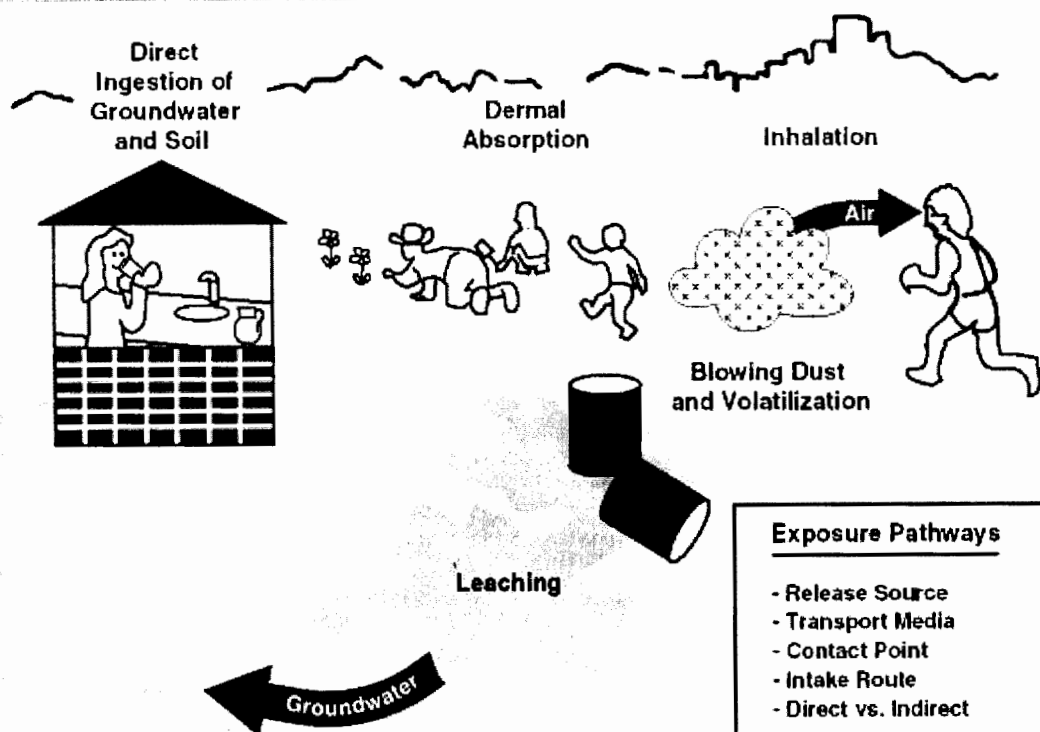
cc: Charles McLaughlin
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95826-3268



Waste Programs



Preliminary Remediation Goals



Preliminary Remediation Goals (PRGs) are tools for evaluating and cleaning up contaminated sites. They are risk-based concentrations derived from standardized equations, combining exposure information assumptions and EPA toxicity data. The PRGs contained in the Region 9 PRG Table are generic; they are calculated without site specific information. However, they may be re-calculated using site specific data.

PRGs should be viewed as Agency guidelines, not legally enforceable standards. They are used for site "screening" and as initial cleanup goals if applicable. PRGs are not *de facto* cleanup standards and should not be applied as such. However, they are helpful in providing long-term targets to use during the analysis of different remedial alternatives. By developing PRGs early in the decision-making process, design staff may be able to streamline the consideration of remedial alternatives.

Background Information (241K PDF)

This document is also available in WordPerfect (174K).

What's New in 2000

Frequently Asked Questions About the PRG Tables

Useful Toxicology/Risk Assessment Links

R9 PRG Tables: summary table that presents the final list of generic PRG (for soil, air, and water) selected for site screening in Region 9.

[A-Bu](#) | [Ca-De](#) | [Di-Fe](#) | [Fl-Mo](#) | [Na-Pu](#) | [Py-Z](#)

These tables can be downloaded in [PDF format](#) (130 K).

InterCalc Tables: present additional information not available in the R9 PRG Table above.

Soil Calculations: lists pathway-specific values for soils under residential and industrial land-use scenarios.

[A-Bu](#) | [Ca-De](#) | [Di-Fe](#) | [Fl-Mo](#) | [Na-Pu](#) | [Py-Z](#)

Air-Water Calculations: lists pathway-specific values for air and water assuming a residential exposure scenario.

[A-Bu](#) | [Ca-De](#) | [Di-Fe](#) | [Fl-Mo](#) | [Na-Pu](#) | [Py-Z](#)

Toxicity Values: lists toxicity values used in the PRG calculations.

[A-Bu](#) | [Ca-De](#) | [Di-Fe](#) | [Fl-Mo](#) | [Na-Pu](#) | [Py-Z](#)

Phys-Chem Data: includes volatilization factors (VF) and soil saturation values (SAT) for VOCs only.

[A-Di](#) | [Ep-Tr](#)

The InterCalc Tables may be downloaded in [PDF Format](#) (144 K). The complete set, which includes both R9 PRG Tables and the InterCalc Tables, is also available as an [Excel Workbook file](#) (647 K).

[Region 9 Waste Home](#) | [Region 9 Superfund Home](#) | [Region 9 PRG Home](#)
[Region 9 Home](#) | [EPA Home](#) | [Search](#) | [Comments/Questions](#)

Region 9 Office: 75 Hawthorne St., San Francisco, Calif., 94105
Send PRG-related comments and questions to smucker.stan@epa.gov

Updated: November 22, 2000

URL: <http://www.epa.gov/region09/waste/sfund/prg/otherlinks.htm>



PRGs: FAQ

What are PRGs?

PRGs (Preliminary Remediation Goals) for the Superfund/RCRA programs are risk-based concentrations, derived from standardized equations combining exposure information assumptions with EPA toxicity data. They are considered by the Agency to be protective for humans (including sensitive groups), over a lifetime. However, PRGs are not always applicable to a particular site and do not address non-human health endpoints such as ecological impacts.

[PRG Home](#) | [What's New](#) | [FAQ](#) | [Other Links](#)
R9 PRG Tables: [A-Bu](#) | [Ca-De](#) | [Di-Fe](#) | [Fl-Mo](#) | [Na-Pu](#) | [Py-Zi](#)
Soil Calculations: [A-Bu](#) | [Ca-De](#) | [Di-Fe](#) | [Fl-Mo](#) | [Na-Pu](#) | [Py-Zi](#)
Air-Water Calculations: [A-Bu](#) | [Ca-De](#) | [Di-Fe](#) | [Fl-Mo](#) | [Na-Pu](#) | [Py-Zi](#)
Toxicity Values: [A-Bu](#) | [Ca-De](#) | [Di-Fe](#) | [Fl-Mo](#) | [Na-Pu](#) | [Py-Zi](#)
Phys-Chem Data: [A-Di](#) | [Ep-Tr](#)

The PRGs contained in the PRG table are generic; that is, they are calculated without site-specific information. They may be re-calculated using site-specific data. Region 9's PRGs should be viewed as Agency guidelines, not legally enforceable standards.

What are PRGs used for?

They are used for site "screening" and as initial cleanup goals if applicable. PRGs are not de facto cleanup standards and should not be applied as such (see next question).

The PRG's role in site "screening" is to help identify areas, contaminants, and conditions that do not require further federal attention at a particular site. Generally, at sites where contaminant concentrations fall below PRGs, no further action or study is warranted under the Superfund program, so long as the exposure assumptions at a site match those taken into account by the PRG calculations. Chemical concentrations above the PRG would not automatically designate a site as "dirty" or trigger a response action. However, exceeding a PRG suggests that further evaluation of the potential risks that may be posed by site contaminants is appropriate.


PRGs are also useful tools for identifying initial cleanup goals at a site. In this role, PRGs provide long-term targets to use during the analysis of different remedial alternatives. By developing PRGs early in the decision-making process, design staff may be able to streamline the consideration of remedial alternatives.

How do PRGs differ from cleanup standards?

PRGs are not *de facto* cleanup standards, however, they could be used to establish final cleanup levels for a site after a proper evaluation takes place. In the Superfund program, this evaluation is carried out as part of the nine criteria for remedy selection outlined in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). Once the nine criteria analysis is completed, the PRG may be retained as is, or modified (based on site-specific information) prior to becoming established as a cleanup standard. This site-specific cleanup level is then documented in the Record of Decision.

Why do some chemicals also include a "Cal-Modified PRG"?

When EPA Region 9 first came out with a Draft of the PRG tables in 1992, there was concern expressed by California EPA's Department of Toxic Substances and Control (DTSC) that for some chemicals, the risk-based concentrations calculated using Cal-EPA toxicity values were "significantly" more protective than the risk-based PRGs calculated by Region 9. At an interagency meeting comprised of mostly toxicologists, it was agreed that values that differed by a factor of four or more would be said to have "significant" difference in risk-based PRGs. Although four was a somewhat arbitrary cutoff point, it reflects a consideration that the numbers are not very precise and at best, are order-of-magnitude estimates of risk.

Cal-Modified PRGs are included for those chemicals where Cal-EPA values are "significantly" more protective. The original list of Cal-Modified PRGs (cadmium, chromium 6, nickel, PAHs benzo(a)pyrene and benzo(k)fluoranthene, tetrachloroethylene [PCE] and lead which has been withdrawn) were based on exposure factors and modeling assumptions presented in California EPA's Preliminary Endangerment Assessment Guidance Manual (PEA 1994). Please note that any Cal-Modified PRGs that have been added to this original list after 1995 have been calculated using Cal-EPA toxicity values*  and Region 9 exposure methodology. In the State of California, Cal-Modified PRGs should be used as screening levels because they are more stringent than the Federal numbers.

I can't find the chemical that I am interested in. Why isn't it in your database? Are there other places where I should look to find the information that I need?

If you are trying to locate various PAHs or PCBs, they are listed in the table under Polynuclear Aromatic Hydrocarbons and Polychlorinated Biphenyls, respectively. Also, dioxin congeners may be compared with the PRG for congener 2,3,7,8-TCDD, once the appropriate Toxicity Equivalence Factors* have been applied.

If you still cannot find the chemical in the database, it means that we have no EPA toxicity value for it. The PRG table only includes chemicals species for which we have toxicity values.

There are many other useful toxicological/risk assessment sites on the internet. In many cases, the data may be available but will require a literature search.

You may find what you are looking for at one of these Web pages.

How often do you update the Region 9 PRG Table?

The table is updated once a year. There is no set month for the update. Generally, the update corresponds with the release of new guidance, but this is not always true. To determine whether the table has been updated, please check our website, as the most current information is contained there. In some cases, the information that is available at our site will precede the official release of new guidance. In these instances, the PRG table should be viewed as "forward looking."

Can I get copies of supporting documents for the provisional toxicity values that are coded "N" in the PRG table?

Unfortunately, Region 9 does not have a complete set of supporting documents. The EPA National Center for Environmental Assessment (NCEA) Superfund Technical Support Center prepares these provisional values in response to site-specific requests from Regional risk assessors, and sends the documentation only to the requestor. The PRG Table contains only the latest interim values that we have requested or have otherwise received. NCEA maintains the master database of these support documents, and will not release documentation of interim values unless they are recent. Also, since NCEA's Superfund Technical Support Center is mainly for the support of Superfund, it usually cannot develop new criteria unless authorized to do so for a specific Superfund project.

If an "N"-coded contaminant is a chemical of concern at your site, we recommend that you work with the EPA Regional risk assessor assigned to the project in order to develop or obtain documentation for provisional values. EPA Region 9 furnishes documents only when needed to support Regional risk assessments or recommendations.

Can I get a copy of a previous PRG table?

We do not distribute outdated copies of the PRG table. Each new version of the table supersedes all previous versions.

For manganese, IRIS show an oral RfD of 0.14 mg/kg-day, but the PRG Table uses 0.024 mg/kg-day. Why?

The IRIS RfD includes manganese from all sources, including diet. The explanatory text in IRIS recommends using a modifying factor of 3 when calculating risks associated with non-food sources, and the PRG table follows this recommendation. IRIS also recommends subtracting dietary exposure (default assumption in this case is 5 mg). Thus, the IRIS RfD has been lowered by a factor of 2×3 , or 6. The table now reflects manganese for "non-food" sources.

For Chromium 6 (Cr 6), IRIS shows an air unit risk of 1.2E-2 per (ug/cu.m), expressed as an inhalation slope factor (adjusting for

inhalation/body weight) of $42 \text{ (mg/kg-day)}^{-1}$, but the PRG table uses $290 \text{ (mg/kg-day)}^{-1}$. Why?

What IRIS refers to as Cr 6, the PRG table presents as "Total Chromium (1:6 ratio Cr6:Cr3)." This is because Cr 6 in the IRIS file assumes a 1:6 ratio of Cr6:Cr3. "Total Chromium" in the PRG table has the same inhalation slope as CR 6 in IRIS: $42 \text{ (mg/kg-day)}^{-1}$.

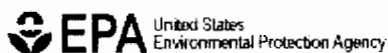
The PRG table heading "Cr 6" refers to 100% Cr 6. It then becomes necessary to multiply the inhalation slope of 42 by 7 (to compensate for the assumed ratio), yielding a slope of $290 \text{ (mg/kg-day)}^{-1}$. This is considered to be a very conservative value by some within the Agency. However, this calculation is also consistent with the State of California's interpretation of the Mancuso study that forms the basis of Cr 6's toxicity values. If you are working on a project outside of California (and outside of Region 9), you may want to contact the appropriate regulatory officials to determine what their position is on this issue.

[Region 9 Waste Home](#) | [Region 9 Superfund Home](#) | [Region 9 PRG Home](#)
[Region 9 Home](#) | [EPA Home](#) | [Search](#) | [Comments/Questions](#)

Region 9 Office: 75 Hawthorne St., San Francisco, Calif., 94105
Send PRG-related comments and questions to: smucker.stan@epa.gov

Posted: August 28, 2000

URL: <http://www.epa.gov/region09/waste/sfund/prg/faq.htm>



Waste Programs



PRG Tables: Ca-De

[PRG Home](#) | [What's New](#) | [FAQ](#) | [Other Links](#)
R9 PRG Tables: [A-Bu](#) | [Ca-De](#) | [Di-Fe](#) | [Fl-Mo](#) | [Na-Pu](#) | [Py-Zi](#)
Soil Calculations: [A-Bu](#) | [Ca-De](#) | [Di-Fe](#) | [Fl-Mo](#) | [Na-Pu](#) | [Py-Zi](#)
Air-Water Calculations: [A-Bu](#) | [Ca-De](#) | [Di-Fe](#) | [Fl-Mo](#) | [Na-Pu](#) | [Py-Zi](#)
Toxicity Values: [A-Bu](#) | [Ca-De](#) | [Di-Fe](#) | [Fl-Mo](#) | [Na-Pu](#) | [Py-Zi](#)
Phys-Chem Data: [A-Di](#) | [Ep-Tr](#)

CONTAMINANT		PRELIMINARY REMEDIATION GOALS (PRGs)							
CAS No.		Residential Soil (mg/kg)		Industrial Soil (mg/kg)		Ambient Air (ug/m ³)		Tap Water (ug/l)	
75-60-5	Cacodylic acid	1.8E+02	nc	2.6E+03	nc	1.1E+01	nc	1.1E+02	nc
7440-43-9	Cadmium and compounds	3.7E+01	nc	8.1E+02	nc	1.1E-03	ca	1.8E+01	nc
	"CAL-Modified PRG" (PEA, 1994)	9.0E+00							
105-60-2	Caprolactam	3.1E+04	nc	1.0E+05	max	1.8E+03	nc	1.8E+04	nc
2425-06-1	Captafol	5.7E+01	ca**	2.9E+02	ca**	7.8E-01	ca**	7.8E+00	ca**
133-06-2	Captan	1.4E+02	ca*	7.0E+02	ca	1.9E+00	ca	1.9E+01	ca
63-25-2	Carbaryl	6.1E+03	nc	8.8E+04	nc	4.0E+02	nc	3.6E+03	nc
86-74-8	Carbazole	2.4E+01	ca	1.2E+02	ca	3.4E-01	ca	3.4E+00	ca
1563-66-2	Carbofuran	3.1E+02	nc	4.4E+03	nc	1.8E+01	nc	1.8E+02	nc
75-15-0	Carbon disulfide	3.6E+02	nc	7.2E+02	sat	7.3E+02	nc	1.0E+03	nc
56-23-5	Carbon tetrachloride	2.4E-01	ca**	5.3E-01	ca*	1.3E-01	ca*	1.7E-01	ca*
55285-14-8	Carbosulfan	6.1E+02	nc	8.8E+03	nc	3.7E+01	nc	3.6E+02	nc
5234-68-4	Carboxin	6.1E+03	nc	8.8E+04	nc	3.7E+02	nc	3.6E+03	nc
133-90-4	Chloramben	9.2E+02	nc	1.3E+04	nc	5.5E+01	nc	5.5E+02	nc
118-75-2	Chloranil	1.2E+00	ca	6.1E+00	ca	1.7E-02	ca	1.7E-01	ca
12789-03-6	Chlordane	1.6E+00	ca*	1.1E+01	ca*	1.9E-02	ca*	1.9E-01	ca*
90982-32-4	Chlorimuron-ethyl	1.2E+03	nc	1.8E+04	nc	7.3E+01	nc	7.3E+02	nc
7782-50-5	Chlorine					2.1E-01	nc		
10049-04-4	Chlorine dioxide					2.1E-01	nc		
107-20-0	Chloroacetaldehyde								
79-11-8	Chloroacetic acid	1.2E+02	nc	1.8E+03	nc	7.3E+00	nc	7.3E+01	nc

532-27-4	2-Chloroacetophenone	3.3E-02	nc	1.1E-01	nc	3.1E-02	nc	5.2E-02	nc
106-47-8	4-Chloroaniline	2.4E+02	nc	3.5E+03	nc	1.5E+01	nc	1.5E+02	nc
108-90-7	Chlorobenzene	1.5E+02	nc	5.4E+02	nc	6.2E+01	nc	1.1E+02	nc
510-15-6	Chlorobenzilate	1.8E+00	ca	9.1E+00	ca	2.5E-02	ca	2.5E-01	ca
74-11-3	p-Chlorobenzoic acid	1.2E+04	nc	1.0E+05	max	7.3E+02	nc	7.3E+03	nc
98-56-6	4-Chlorobenzotrifluoride	1.2E+03	nc	1.8E+04	nc	7.3E+01	nc	7.3E+02	nc
126-99-8	2-Chloro-1,3-butadiene	3.6E+00	nc	1.2E+01	nc	7.3E+00	nc	1.4E+01	nc
109-69-3	1-Chlorobutane	4.8E+02	sat	4.8E+02	sat	1.5E+03	nc	2.4E+03	nc
75-68-3	1-Chloro-1,1-difluoroethane (HCFC-142b)	3.4E+02	sat	3.4E+02	sat	5.2E+04	nc	8.7E+04	nc
75-45-6	Chlorodifluoromethane	3.4E+02	sat	3.4E+02	sat	5.1E+04	nc	8.5E+04	nc
75-00-3	Chloroethane	3.0E+00	ca	6.5E+00	ca	2.3E+00	ca	4.6E+00	ca
110-75-8	2-Chloroethyl vinyl ether								
67-66-3	Chloroform	2.4E-01	ca**	5.2E-01	ca**	8.4E-02	ca**	1.6E-01	ca**
74-87-3	Chloromethane	1.2E+00	ca	2.7E+00	ca	1.1E+00	ca	1.5E+00	ca
95-69-2	4-Chloro-2-methylaniline	8.4E-01	ca	4.3E+00	ca	1.2E-02	ca	1.2E-01	ca
3165-93-3	4-Chloro-2-methylaniline hydrochloride	1.1E+00	ca	5.4E+00	ca	1.5E-02	ca	1.5E-01	ca
91-58-7	beta-Chloronaphthalene	3.9E+03	nc	2.7E+04	nc	2.9E+02	nc	4.9E+02	nc
88-73-3	o-Chloronitrobenzene	8.1E+00	ca	2.3E+01	ca	2.7E-01	ca	4.5E-01	ca
100-00-5	p-Chloronitrobenzene	1.1E+01	ca	3.2E+01	ca	3.7E-01	ca	6.2E-01	ca
95-57-8	2-Chlorophenol	6.3E+01	nc	2.4E+02	nc	1.8E+01	nc	3.0E+01	nc
75-29-6	2-Chloropropane	1.7E+02	nc	5.9E+02	nc	1.0E+02	nc	1.7E+02	nc
1897-45-6	Chloroethalonil	4.4E+01	ca*	2.2E+02	ca*	6.1E-01	ca*	6.1E+00	ca*
95-49-8	o-Chlorotoluene	1.6E+02	nc	5.7E+02	nc	7.3E+01	nc	1.2E+02	nc
101-21-3	Chlorpropham	1.2E+04	nc	1.0E+05	max	7.3E+02	nc	7.3E+03	nc
2921-88-2	Chlorpyrifos	1.8E+02	nc	2.6E+03	nc	1.1E+01	nc	1.1E+02	nc
5598-13-0	Chlorpyrifos-methyl	6.1E+02	nc	8.8E+03	nc	3.7E+01	nc	3.6E+02	nc
64902-72-3	Chlorsulfuron	3.1E+03	nc	4.4E+04	nc	1.8E+02	nc	1.8E+03	nc
60238-56-4	Chlorthiophos	4.9E+01	nc	7.0E+02	nc	2.9E+00	nc	2.9E+01	nc
	Total Chromium (1:6 ratio Cr VI:Cr III)	2.1E+02	ca	4.5E+02	ca	1.6E-04	ca		
16065-83-1	Chromium III	1.0E+05	max	1.0E+05	max	0.0E+00		5.5E+04	nc
18540-29-9	Chromium VI	3.0E+01	ca**	6.4E+01	ca	2.3E-05	ca	1.1E+02	nc
	"CAL-Modified PRG" (PEA, 1994)	2.0E-01						1.6E-01	
7440-48-4	Cobalt	4.7E+03	nc	1.0E+05	max			2.2E+03	nc
8007-45-2	Coke Oven Emissions					3.1E-03	ca		
7440-50-8	Copper and compounds	2.9E+03	nc	7.6E+04	nc			1.4E+03	nc
123-73-9	Crotonaldehyde	5.3E-03	ca	1.1E-02	ca	3.5E-03	ca	5.9E-03	ca
98-82-8	Cumene (isopropylbenzene)	1.6E+02	nc	5.2E+02	nc	4.0E+02	nc	6.6E+02	nc
21725-46-2	Cyanazine	5.8E-01	ca	2.9E+00	ca	8.0E-03	ca	8.0E-02	ca

74-90-8	Cyanide and compounds	1.1E+01	nc	3.5E+01	nc	3.1E+00	nc	6.2E+00	nc
460-19-5	Cyanogen	1.3E+02	nc	4.3E+02	nc	1.5E+02	nc	2.4E+02	nc
506-68-3	Cyanogen bromide	2.9E+02	nc	9.7E+02	nc	3.3E+02	nc	5.5E+02	nc
506-77-4	Cyanogen chloride	1.6E+02	nc	5.4E+02	nc	1.8E+02	nc	3.0E+02	nc
110-82-7	Cyclohexane	1.4E+02	sat	1.4E+02	sat	2.1E+04	nc	3.5E+04	nc
108-94-1	Cyclohexanone	1.0E+05	max	1.0E+05	max	1.8E+04	nc	1.8E+05	nc
108-91-8	Cyclohexylamine	1.2E+04	nc	1.0E+05	max	7.3E+02	nc	7.3E+03	nc
68085-85-8	Cyhalothrin/Karate	3.1E+02	nc	4.4E+03	nc	1.8E+01	nc	1.8E+02	nc
52315-07-8	Cypermethrin	6.1E+02	nc	8.8E+03	nc	3.7E+01	nc	3.6E+02	nc
66215-27-8	Cyromazine	4.6E+02	nc	6.6E+03	nc	2.7E+01	nc	2.7E+02	nc
1861-32-1	Daethal	6.1E+02	nc	8.8E+03	nc	3.7E+01	nc	3.6E+02	nc
75-99-0	Dalapon	1.8E+03	nc	2.6E+04	nc	1.1E+02	nc	1.1E+03	nc
39515-41-8	Danitol	1.5E+03	nc	2.2E+04	nc	9.1E+01	nc	9.1E+02	nc
72-54-8	DDD	2.4E+00	ca	1.7E+01	ca	2.8E-02	ca	2.8E-01	ca
72-55-9	DDE	1.7E+00	ca	1.2E+01	ca	2.0E-02	ca	2.0E-01	ca
50-29-3	DDT	1.7E+00	ca*	1.2E+01	ca*	2.0E-02	ca*	2.0E-01	ca*
1163-19-5	Decabromodiphenyl ether	6.1E+02	nc	8.8E+03	nc	3.7E+01	nc	3.6E+02	nc
8065-48-3	Demeton	2.4E+00	nc	3.5E+01	nc	1.5E-01	nc	1.5E+00	nc

Key:

i = IRIS

h = HEAST

n = NCEA

x = WITHDRAWN

o = OTHER EPA DOCUMENTS

r = ROUTE EXTRAPOLATION

ca = CANCER PRG

nc = NONCANCER PRG

sat = SOIL SATURATION

max = CEILING LIMIT

*indicates that the noncancer PRG ≤ 100X the cancer PRG

**indicates that the noncancer PRG < 10X the cancer PRG

BOLD=New or revised Toxicity values

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Waste Programs



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CONTAMINANT		PRELIMINARY REMEDIATION GOALS (PRGs)							
CAS No.		Residential Soil (mg/kg)		Industrial Soil (mg/kg)		Ambient Air (ug/m ³)		Tap Water (ug/l)	
300-76-5	Naled	1.2E+02	nc	1.8E+03	nc	7.3E+00	nc	7.3E+01	nc
15299-99-7	Napropamide	6.1E+03	nc	8.8E+04	nc	3.7E+02	nc	3.6E+03	nc
7440-02-0	Nickel (soluble salts)	1.6E+03	nc	4.1E+04	nc			7.3E+02	nc
	"CAL-Modified PRG" (PEA, 1994)	1.5E+02							
	Nickel refinery dust					8.0E-03	ca		
12035-72-2	Nickel subsulfide			1.1E+04	ca	4.0E-03	ca		
1929-82-4	Nitrapyrin	9.2E+01	nc	1.3E+03	nc	5.5E+00	nc	5.5E+01	nc
14797-55-8	Nitrate							1.0E+04	nc
10102-43-9	Nitric Oxide	7.8E+03	nc	1.0E+05	max			3.6E+03	nc
14797-65-0	Nitrite							1.0E+03	nc
88-74-4	2-Nitroaniline	3.5E+00	nc	5.0E+01	nc	2.1E-01	nc	2.1E+00	nc
98-95-3	Nitrobenzene	2.0E+01	nc	1.1E+02	nc	2.1E+00	nc	3.4E+00	nc
67-20-9	Nitrofurantoin	4.3E+03	nc	6.2E+04	nc	2.6E+02	nc	2.6E+03	nc
59-87-0	Nitrofurazone	3.2E-01	ca	1.6E+00	ca	7.2E-04	ca	4.5E-02	ca
55-63-0	Nitroglycerin	3.5E+01	ca	1.8E+02	ca	4.8E-01	ca	4.8E+00	ca
556-88-7	Nitroguanidine	6.1E+03	nc	8.8E+04	nc	3.7E+02	nc	3.6E+03	nc
100-02-7	4-Nitrophenol	4.9E+02	nc	7.0E+03	nc	2.9E+01	nc	2.9E+02	nc
79-46-9	2-Nitropropane					7.2E-04	ca	1.2E-03	ca
924-16-3	N-Nitrosodi-n-butylamine	2.4E-02	ca	6.1E-02	ca	1.2E-03	ca	2.0E-03	ca
1116-54-7	N-Nitrosodiethanolamine	1.7E-01	ca	8.8E-01	ca	2.4E-03	ca	2.4E-02	ca
55-18-5	N-Nitrosodiethylamine	3.2E-03	ca	1.6E-02	ca	4.5E-05	ca	4.5E-04	ca

62-75-9	N-Nitrosodimethylamine	9.5E-03	ca	4.8E-02	ca	1.4E-04	ca	1.3E-03	ca
86-30-6	N-Nitrosodiphenylamine	9.9E+01	ca	5.0E+02	ca	1.4E+00	ca	1.4E+01	ca
621-64-7	N-Nitroso di-n-propylamine	6.9E-02	ca	3.5E-01	ca	9.6E-04	ca	9.6E-03	ca
10595-95-6	N-Nitroso-N-methylethylamine	2.2E-02	ca	1.1E-01	ca	3.1E-04	ca	3.1E-03	ca
930-55-2	N-Nitrosopyrrolidine	2.3E-01	ca	1.2E+00	ca	3.1E-03	ca	3.2E-02	ca
99-08-1	m-Nitrotoluene	3.7E+02	nc	1.0E+03	sat	3.7E+01	nc	6.1E+01	nc
88-72-2	o-Nitrotoluene	3.7E+02	nc	1.0E+03	sat	3.7E+01	nc	6.1E+01	nc
99-99-0	p-Nitrotoluene	3.7E+02	nc	1.0E+03	sat	3.7E+01	nc	6.1E+01	nc
27314-13-2	Norflurazon	2.4E+03	nc	3.5E+04	nc	1.5E+02	nc	1.5E+03	nc
85509-19-9	NuStar	4.3E+01	nc	6.2E+02	nc	2.6E+00	nc	2.6E+01	nc
32536-52-0	Octabromodiphenyl ether	1.8E+02	nc	2.6E+03	nc	1.1E+01	nc	1.1E+02	nc
152-16-9	Octamethylpyrophosphoramidate	1.2E+02	nc	1.8E+03	nc	7.3E+00	nc	7.3E+01	nc
19044-88-3	Oryzalin	3.1E+03	nc	4.4E+04	nc	1.8E+02	nc	1.8E+03	nc
19666-30-9	Oxadiazon	3.1E+02	nc	4.4E+03	nc	1.8E+01	nc	1.8E+02	nc
23135-22-0	Oxamyl	1.5E+03	nc	2.2E+04	nc	9.1E+01	nc	9.1E+02	nc
42874-03-3	Oxyfluorfen	1.8E+02	nc	2.6E+03	nc	1.1E+01	nc	1.1E+02	nc
76738-62-0	Paclobutrazol	7.9E+02	nc	1.1E+04	nc	4.7E+01	nc	4.7E+02	nc
4685-14-7	Paraquat	2.7E+02	nc	4.0E+03	nc	1.6E+01	nc	1.6E+02	nc
56-38-2	Parathion	3.7E+02	nc	5.3E+03	nc	2.2E+01	nc	2.2E+02	nc
1114-71-2	Pebulate	3.1E+03	nc	4.4E+04	nc	1.8E+02	nc	1.8E+03	nc
40487-42-1	Pendimethalin	2.4E+03	nc	3.5E+04	nc	1.5E+02	nc	1.5E+03	nc
87-84-3	Pentabromo-6-chloro cyclohexane	2.1E+01	ca	1.1E+02	ca	2.9E-01	ca	2.9E+00	ca
32534-81-9	Pentabromodiphenyl ether	1.2E+02	nc	1.8E+03	nc	7.3E+00	nc	7.3E+01	nc
608-93-5	Pentachlorobenzene	4.9E+01	nc	7.0E+02	nc	2.9E+00	nc	2.9E+01	nc
82-68-8	Pentachloronitrobenzene	1.9E+00	ca*	9.5E+00	ca	2.6E-02	ca	2.6E-01	ca
87-86-5	Pentachlorophenol	3.0E+00	ca	1.1E+01	ca	5.6E-02	ca	5.6E-01	ca
7601-90-3	Perchlorate	3.9E+01	nc	1.0E+03	nc			1.8E+01	nc
52645-53-1	Permethrin	3.1E+03	nc	4.4E+04	nc	1.8E+02	nc	1.8E+03	nc
13684-63-4	Phenmedipham	1.5E+04	nc	1.0E+05	max	9.1E+02	nc	9.1E+03	nc
108-95-2	Phenol	3.7E+04	nc	1.0E+05	max	2.2E+03	nc	2.2E+04	nc
92-84-2	Phenothiazine	1.2E+02	nc	1.8E+03	nc	7.3E+00	nc	7.3E+01	nc
108-45-2	m-Phenylenediamine	3.7E+02	nc	5.3E+03	nc	2.2E+01	nc	2.2E+02	nc
106-50-3	p-Phenylenediamine	1.2E+04	nc	1.0E+05	max	6.9E+02	nc	6.9E+03	nc
62-38-4	Phenylmercuric acetate	4.9E+00	nc	7.0E+01	nc	2.9E-01	nc	2.9E+00	nc
90-43-7	2-Phenylphenol	2.5E+02	ca	1.3E+03	ca	3.5E+00	ca	3.5E+01	ca
298-02-2	Phorate	1.2E+01	nc	1.8E+02	nc	7.3E-01	nc	7.3E+00	nc
732-11-6	Phosmet	1.2E+03	nc	1.8E+04	nc	7.3E+01	nc	7.3E+02	nc
7803-51-2	Phosphine	1.8E+01	nc	2.6E+02	nc	3.1E-01	nc	1.1E+01	nc
7664-38-2	Phosphoric acid					1.0E+01	nc		
7723-14-0	Phosphorus (white)	1.6E+00	nc	4.1E+01	nc			7.3E-01	nc

100-21-0	p-Phthalic acid	6.1E+04	nc	1.0E+05	max	3.7E+03	nc	3.6E+04	nc
85-44-9	Phthalic anhydride	1.0E+05	max	1.0E+05	max	1.2E+02	nc	7.3E+04	nc
1918-02-1	Picloram	4.3E+03	nc	6.2E+04	nc	2.6E+02	nc	2.6E+03	nc
23505-41-1	Pirimiphos-methyl	6.1E+02	nc	8.8E+03	nc	3.7E+01	nc	3.6E+02	nc
	Polybrominated biphenyls	5.5E-02	ca**	2.8E-01	ca*	7.6E-04	ca*	7.6E-03	ca
1336-36-3	Polychlorinated biphenyls (PCBs)	2.2E-01	ca	1.0E+00	ca	3.4E-03	ca	3.4E-02	ca
12674-11-2	Aroclor 1016	3.9E+00	nc	2.9E+01	ca**	9.6E-02	ca**	9.6E-01	ca
11104-28-2	Aroclor 1221	2.2E-01	ca	1.0E+00	ca	3.4E-03	ca	3.4E-02	ca
11141-16-5	Aroclor 1232	2.2E-01	ca	1.0E+00	ca	3.4E-03	ca	3.4E-02	ca
53469-21-9	Aroclor 1242	2.2E-01	ca	1.0E+00	ca	3.4E-03	ca	3.4E-02	ca
12672-29-6	Aroclor 1248	2.2E-01	ca	1.0E+00	ca	3.4E-03	ca	3.4E-02	ca
11097-69-1	Aroclor 1254	2.2E-01	ca**	1.0E+00	ca*	3.4E-03	ca*	3.4E-02	ca
11096-82-5	Aroclor 1260	2.2E-01	ca	1.0E+00	ca	3.4E-03	ca	3.4E-02	ca
	Polynuclear aromatic hydrocarbons (PAHs)								
83-32-9	Acenaphthene	3.7E+03	nc	3.8E+04	nc	2.2E+02	nc	3.7E+02	nc
120-12-7	Anthracene	2.2E+04	nc	1.0E+05	max	1.1E+03	nc	1.8E+03	nc
56-55-3	Benz[a]anthracene	6.2E-01	ca	2.9E+00	ca	2.2E-02	ca	9.2E-02	ca
205-99-2	Benzo[b]fluoranthene	6.2E-01	ca	2.9E+00	ca	2.2E-02	ca	9.2E-02	ca
207-08-9	Benzo[k]fluoranthene	6.2E+00	ca	2.9E+01	ca	2.2E-01	ca	9.2E-01	ca
	"CAL-Modified PRG" (PEA, 1994)	6.1E-01							
50-32-8	Benzo[a]pyrene	6.2E-02	ca	2.9E-01	ca	2.2E-03	ca	9.2E-03	ca
	"CAL-Modified PRG" (PEA, 1994)							1.5E-03	
218-01-9	Chrysene	6.2E+01	ca	2.9E+02	ca	2.2E+00	ca	9.2E+00	ca
	"CAL-Modified PRG" (PEA, 1994)	6.1E+00							
53-70-3	Dibenz[ah]anthracene	6.2E-02	ca	2.9E-01	ca	2.2E-03	ca	9.2E-03	ca
206-44-0	Fluoranthene	2.3E+03	nc	3.0E+04	nc	1.5E+02	nc	1.5E+03	nc
86-73-7	Fluorene	2.6E+03	nc	3.3E+04	nc	1.5E+02	nc	2.4E+02	nc
193-39-5	Indeno[1,2,3-cd]pyrene	6.2E-01	ca	2.9E+00	ca	2.2E-02	ca	9.2E-02	ca
91-20-3	Naphthalene	5.6E+01	nc	1.9E+02	nc	3.1E+00	nc	6.2E+00	nc
129-00-0	Pyrene	2.3E+03	nc	5.4E+04	nc	1.1E+02	nc	1.8E+02	nc
67747-09-5	Prochloraz	3.2E+00	ca	1.6E+01	ca	4.5E-02	ca	4.5E-01	ca
26399-36-0	Profluralin	3.7E+02	nc	5.3E+03	nc	2.2E+01	nc	2.2E+02	nc
1610-18-0	Prometon	9.2E+02	nc	1.3E+04	nc	5.5E+01	nc	5.5E+02	nc
7287-19-6	Prometryn	2.4E+02	nc	3.5E+03	nc	1.5E+01	nc	1.5E+02	nc
23950-58-5	Pronamide	4.6E+03	nc	6.6E+04	nc	2.7E+02	nc	2.7E+03	nc
1918-16-7	Propachlor	7.9E+02	nc	1.1E+04	nc	4.7E+01	nc	4.7E+02	nc
709-98-8	Propanil	3.1E+02	nc	4.4E+03	nc	1.8E+01	nc	1.8E+02	nc

2312-35-8	Propargite	1.2E+03	nc	1.8E+04	nc	7.3E+01	nc	7.3E+02	nc
107-19-7	Propargyl alcohol	1.2E+02	nc	1.8E+03	nc	7.3E+00	nc	7.3E+01	nc
139-40-2	Propazine	1.2E+03	nc	1.8E+04	nc	7.3E+01	nc	7.3E+02	nc
122-42-9	Propham	1.2E+03	nc	1.8E+04	nc	7.3E+01	nc	7.3E+02	nc
60207-90-1	Propiconazole	7.9E+02	nc	1.1E+04	nc	4.7E+01	nc	4.7E+02	nc
98-82-8	Isopropylbenzene (Cumene)	1.6E+02	nc	5.2E+02	nc	4.0E+02	nc	6.6E+02	nc
103-65-1	n-Propylbenzene	1.4E+02	nc	2.4E+02	sat	3.7E+01	nc	6.1E+01	nc
57-55-6	Propylene glycol	1.0E+05	max	1.0E+05	max	7.3E+04	nc	7.3E+05	nc
111-35-3	Propylene glycol, monoethyl ether	4.3E+04	nc	1.0E+05	max	2.6E+03	nc	2.6E+04	nc
107-98-2	Propylene glycol, monomethyl ether	4.3E+04	nc	1.0E+05	max	2.1E+03	nc	2.6E+04	nc
75-56-9	Propylene oxide	1.9E+00	ca*	9.1E+00	ca*	5.2E-01	ca*	2.2E-01	ca
81335-77-5	Pursuit	1.5E+04	nc	1.0E+05	max	9.1E+02	nc	9.1E+03	nc

Key:

i = IRIS

h = HEAST

n = NCEA

x = WITHDRAWN

o = OTHER EPA DOCUMENTS

r = ROUTE EXTRAPOLATION

ca = CANCER PRG

nc = NONCANCER PRG

sat = SOIL SATURATION

max = CEILING LIMIT

*indicates that the noncancer PRG ≤ 100X the cancer PRG

**indicates that the noncancer PRG < 10X the cancer PRG

BOLD=New or revised Toxicity values

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[Region 9 Home](#) | [EPA Home](#) | [Search](#) | [Comments/Questions](#)

Region 9 Office: 75 Hawthorne St., San Francisco, Calif., 94105

Send PRG-related comments and questions to smucker.stan@epa.gov

Updated: November 22, 2000

URL: http://www.epa.gov/region09/waste/sfund/prg/s1_05.htm

Price Pfister, Inc.**Fax****To:** James C. Sullivan**From:** William J. Jones**Fax:** 415-947-3530**Date:** March 12, 2002**Phone:** 415-972-3309**Pages:** 1**Re:** Notice of Violation Response Dates☐ **Urgent** ☒ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle****Comments:**

Jim,

Per our telephone conversation, Price Pfister will respond to item 6 in the Feb. 20, 2002 Notice of Violation by March 25 and to the remaining items by April 8th.

Please call me if you have any questions,

Bill Jones
Health, Safety & Environmental Manager
Price Pfister Inc.
13500 Paxton St.
Pacoima, Ca 91331
818-686-4277
Pager 800-759-8888 PIN # 1120006
Fax 818-686-4307
Bill.Jones@BDK.Com

March 8, 2002

Mr. James Sullivan
Environmental Engineer
U.S. EPA, Region IX (WST-3)
75 Hawthorne Street
San Francisco, CA 94105

RE: Price Pfister
EPA ID Number CAD 008384190

Dear Mr. Sullivan:

This letter responds to the February 20, 2002 Notice of Violation ("NOV") which followed the inspection conducted on October 18, 2001 by representatives of the United States Environmental Protection Agency (U.S. EPA) at the Price Pfister facility located in Pacoima, California.

1. EPA Request: Certify that Price Pfister has labeled or marked all 90-day accumulation containers and satellite accumulation containers clearly with the words, "Hazardous Waste". Additionally, these containers should be labeled with the following information:
 - (A) composition and physical state of wastes:
 - (B) statement or statements which call attention to the particular hazardous properties of the waste (e.g. flammable, reactive, etc.):
 - (C) name and address of the person producing the waste.

Response:

Price Pfister has implemented the use of pre-printed labels that list the required information for each waste stream and storage area.

2. EPA Request: Certify that the initial date of waste accumulation is clearly marked and visible for inspection on each satellite accumulation container.

Response:

Price Pfister has incorporated a provision into its inspection program to insure that the initial date of waste accumulation is clearly marked and visible for inspection for each satellite accumulation container. We understand that it is acceptable to EPA to state the accumulation date as "daily" on the label of those containers that are emptied daily.

empty daily

3. EPA Request:

Certify that all 90-day accumulation containers and satellite accumulation containers shall always be closed during transfer and storage, except when it is necessary to add or remove waste.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

file

FEB 20 ~~2001~~ 2002 *RS*

CERTIFIED MAIL NO. **7000 1670 0009 3122 9685**
RETURN RECEIPT REQUESTED

In reply, refer to WST-3

NOTICE OF VIOLATION

William J. Jones
Health, Safety and Environmental Manager
Price Pfister
13500 Paxton Street
Pacoima, CA 91333-4518

Re: Price Pfister
EPA ID Number CAD008384190

Dear Mr. Jones:

On October 18, 2001, a hazardous waste investigation was conducted by representatives of the United States Environmental Protection Agency (U.S. EPA) at the Price Pfister facility located in Pacoima, California. During the course of this investigation, information was gathered in accordance with Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended [42 U.S.C. 6927]. A copy of the investigation report is enclosed for your information and response. The report describes conditions at the facility at the time of the investigation, and identifies areas of noncompliance with RCRA regulations and potential violations of the California authorized program under RCRA Subtitle C. Any omissions in the report shall not be construed as a determination of compliance with applicable regulations.

Pursuant to Section 3008 of RCRA [42 U.S.C. 6928] you are required to correct the identified areas of noncompliance and to submit documentation of their correction to U.S. EPA within thirty (30) calendar days of your receipt of this letter. Please provide the following information:

1. Certify that Price Pfister has labeled or marked all 90 day accumulation containers and satellite accumulation containers clearly with the words, "Hazardous Waste." Additionally, these containers should be labeled with the following information:
 - (A) composition and physical state of the wastes;
 - (B) statement or statements which call attention to the particular hazardous properties of the waste (e.g., flammable, reactive, etc.);
 - (C) name and address of the person producing the waste.

2. Certify that the initial date of waste accumulation is clearly marked and visible for inspection on each satellite accumulation container.
3. Certify that all 90 day accumulation containers and satellite accumulation containers shall always be closed during transfer and storage, except when it is necessary to add or remove waste.
4. Certify that Price Pfister will inspect areas used for container storage or transfer, at least weekly, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors.
5. Submit a contingency plan containing current information (name, address, and phone numbers (office and home)) pertaining to the current emergency coordinator(s).
6. Develop and submit a procedure to manage the hazardous materials storage area in such a manner as to minimize the possibility of releases of hazardous waste and hazardous waste constituents, specifically Price Pfister's F006 wastewater treatment sludge.

Your response must include a letter signed by a duly authorized official of your facility, certifying implementation of the measures to prevent future violations. Where compliance cannot be achieved within thirty (30) days, you must provide the reasons for the delay, a description of each corrective action planned, and a schedule on which each corrective action will be taken.

By copy of this letter, U.S. EPA is providing the State of California with notice of the referenced violations of Subtitle C of RCRA. U.S. EPA is also providing the State with notice that it may take additional enforcement action. The State of California may notify U.S. EPA of its intent to assume or decline responsibility to take such action to resolve the referenced violations.

U.S. EPA reserves the right to take further enforcement action as it deems appropriate. However, your response to this letter will be considered in determining the appropriate action. Violations of Subtitle C of RCRA, such as those listed in the enclosed report may be punished by civil and criminal actions, including penalties of up to \$27,500 per day for each violation as provided by Section 3008 of RCRA.

U.S. EPA routinely provides copies of investigation reports to State agencies, and upon request, to the public. Such releases are handled according to the Freedom of Information Act regulations (40 CFR Part 2). If you believe this report contains privileged or confidential information, you may make a claim within fifteen (15) calendar days from the date of this letter. U.S. EPA will construe your failure to furnish a timely claim as a waiver of the confidentiality claim.

Your response to this Notice of Violation, due within thirty (30) days of your receipt of this letter, shall be mailed to:

James Sullivan
Environmental Engineer
U.S. EPA, Region IX (WST-3)
75 Hawthorne Street
San Francisco, CA 94105

If you have questions related to technical aspects of the investigation report or this letter, please contact Mr. Sullivan at (415) 972-3309.

Sincerely,

A handwritten signature in cursive script that reads "Frances C. Schultz".

Frances C. Schultz, Chief
RCRA Enforcement Office

cc: Charles McLaughlin,
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95826-3268

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

CERTIFIED MAIL NO.
RETURN RECEIPT REQUESTED

In reply, refer to WST-3

NOTICE OF VIOLATION

William J. Jones
Health, Safety and Environmental Manager
Price Pfister
13500 Paxton Street
Pacoima, CA 91333-4518

Re: Price Pfister
EPA ID Number CAD008384190

Dear Mr. Jones:

On October 18, 2001, a hazardous waste investigation was conducted by representatives of the United States Environmental Protection Agency (U.S. EPA) at the Price Pfister facility located in Pacoima, California. During the course of this investigation, information was gathered in accordance with Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended [42 U.S.C. 6927]. A copy of the investigation report is enclosed for your information and response. The report describes conditions at the facility at the time of the investigation, and identifies areas of noncompliance with RCRA regulations and potential violations of the California authorized program under RCRA Subtitle C. Any omissions in the report shall not be construed as a determination of compliance with applicable regulations.

Pursuant to Section 3008 of RCRA [42 U.S.C. 6928] you are required to correct the identified areas of noncompliance and to submit documentation of their correction to U.S. EPA within thirty (30) calendar days of your receipt of this letter. Please provide the following information:

MAIL CODE	Sullivan WST-3	Fernandez WST-3	Schultz WST-3			
SURNAME	<i>CS</i>		<i>For</i>			
DATE	<i>1/8/02</i>		<i>2/14/02</i>			

U.S. EPA CONCURRENCES

OFFICIAL FILE COPY

1. Certify that Price Pfister has labeled or marked all 90 day accumulation containers and satellite accumulation containers clearly with the words, "Hazardous Waste." Additionally, these containers should be labeled with the following information:
(A) composition and physical state of the wastes;
(B) statement or statements which call attention to the particular hazardous properties of the waste (e.g., flammable, reactive, etc.);
(C) name and address of the person producing the waste.
2. Certify that the initial date of waste accumulation is clearly marked and visible for inspection on each satellite accumulation container.
3. Certify that all 90 day accumulation containers and satellite accumulation containers shall always be closed during transfer and storage, except when it is necessary to add or remove waste.
4. Certify that Price Pfister will inspect areas used for container storage or transfer, at least weekly, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors.
5. Submit a contingency plan containing current information (name, address, and phone numbers (office and home)) pertaining to the current emergency coordinator(s).
6. Develop and submit a procedure to manage the hazardous materials storage area in such a manner as to minimize the possibility of releases of hazardous waste and hazardous waste constituents, specifically Price Pfister's F006 wastewater treatment sludge.

Your response must include a letter signed by a duly authorized official of your facility, certifying implementation of the measures to prevent future violations. Where compliance cannot be achieved within thirty (30) days, you must provide the reasons for the delay, a description of each corrective action planned, and a schedule on which each corrective action will be taken.

By copy of this letter, U.S. EPA is providing the State of California with notice of the referenced violations of Subtitle C of RCRA. U.S. EPA is also providing the State with notice that it may take additional enforcement action. The State of California may notify U.S. EPA of its intent to assume or decline responsibility to take such action to resolve the referenced violations.

U.S. EPA reserves the right to take further enforcement action as it deems appropriate. However, your response to this letter will be considered in determining the appropriate action. Violations of Subtitle C of RCRA, such as those listed in the enclosed report may be punished by civil and criminal actions, including penalties of up to \$27,500 per day for each violation as provided by Section 3008 of RCRA.

U.S. EPA routinely provides copies of investigation reports to State agencies, and upon request, to the public. Such releases are handled according to the Freedom of Information Act regulations (40 CFR Part 2). If you believe this report contains privileged or confidential information, you may make a claim within fifteen (15) calendar days from the date of this letter. U.S. EPA will construe your failure to furnish a timely claim as a waiver of the confidentiality claim.

Your response to this Notice of Violation, due within thirty (30) days of your receipt of this letter, shall be mailed to:

James Sullivan
Environmental Engineer
U.S. EPA, Region IX (WST-3)
75 Hawthorne Street
San Francisco, CA 94105

If you have questions related to technical aspects of the investigation report or this letter, please contact Mr. Sullivan at (415) 972-3309.

Sincerely,

Frances C. Schultz, Chief
RCRA Enforcement Office

cc: Charles McLaughlin,
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95826-3268

Enclosure

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

In reply, refer to: WST-3

Michael Thomas
Plant Manager
Price Pfister
13500 Paxton Street
P.O. Box 4518
Pacoima, CA 91333-4518

Re: Civil Administrative Action Against Price Pfister
EPA I.D. No. CAD008384190

Dear Mr. Thomas:

On October 18, 2001, representatives of the United States Environmental Protection Agency (EPA) conducted a Resource Conservation and Recovery Act ("RCRA") inspection ("inspection") at Price Pfister ("facility") located in Pacoima, California. Based on information gathered during the inspection, EPA is preparing to bring an administrative action against Price Pfister to ensure compliance and assess penalties, pursuant to Section 3008(a)(1) of RCRA, as amended, 42 U.S.C. § 6928(a)(1).

The allegations being considered include violations of the California Code of Regulations ("C.C.R."): 1) failure to obtain a hazardous waste permit in violation of 22 C.C.R. § 66270.1(c) [40 C.F.R. § 270.1(c)]; 2) failure to maintain and operate your facility to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air or soil which could threaten human health or the environment in violation of 22 C.C.R. § 66265.31 [40 C.F.R. § 265.31]; 3) open containers in violation of 22 C.C.R. § 66265.173(a) [40 C.F.R. § 265.173(a)]; 4) failure to properly mark containers in violation of 22 C.C.R. § 66262.34(e)(1)(E) [40 C.F.R. § 262.34(c)(1)(ii)]; 5) failure to conduct hazardous waste storage area inspections in violation of 22 C.C.R. § 66265.174 [40 C.F.R. § 265.174] and 6) failure to update the content of the facility's contingency plan in violation of 22 C.C.R. § 66265.52(d) [40 C.F.R. § 265.52(d)], which are federally enforceable regulations under the State's RCRA program.

MAIL CODE	Sullivan WST-3	Karr ORC-3	Schultz WST-3			
SURNAME	TS	VUK	RC FOR TS			
DATE	4/9/02	4/9/02	4/15/02			

U.S. EPA CONCURRENCES

OFFICIAL FILE COPY

In anticipation of filing a Determination of Violation, Compliance Order and Notice of Right to Request a Hearing (hereinafter "Complaint") against Price Pfister, EPA is extending to Price Pfister the opportunity to submit any information that EPA should consider before issuing the Complaint. Relevant information may include any evidence of reliance on compliance assistance, additional compliance tasks performed subsequently to the inspection, or financial factors bearing on Price Pfister's ability to pay a civil penalty. In addition, EPA encourages Price Pfister to explore the possibility of settlement. If you are interested in commencing settlement negotiations, please contact Mr. James Sullivan of my staff at (415) 972-3309 by Tuesday, April 30, 2002, to schedule a meeting or conference call with Mr. Sullivan and the attorney assigned to this matter, Harrison Karr.

It is EPA's intention to file a Complaint against Price Pfister within the next 4 to 5 weeks unless Price Pfister advises EPA of substantial reasons not to proceed. Please send the response by certified mail, return receipt requested, addressed to:

James Sullivan
Environmental Engineer
RCRA Enforcement Office (WST-3)
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105

Any penalty proposed for violations of RCRA and its implementing regulations will be calculated pursuant to EPA's "RCRA Civil Penalty Policy." A copy of the "RCRA Civil Penalty Policy" is enclosed. Also enclosed is a copy of EPA's "Supplemental Environmental Projects Policy" ("SEP Policy"). EPA's SEP Policy describes the terms under which a commitment to perform an environmental project may mitigate, in part, an EPA civil penalty. EPA offers small businesses a wide variety of compliance assistance resources and tools designed to assist them to comply with Federal and State environmental laws. These resources and tools are contained in the enclosed fact sheet of supplemental information for small businesses subject to an U.S. EPA enforcement action.

EPA regulations governing confidentiality of business information are set forth in 40 C.F.R. Part 2, Subpart B. For any portion of the information submitted which is entitled to confidential treatment, please assert a confidentiality claim according to 40 C.F.R. § 2.203(b). If EPA determines that the information so designated meets the criteria set forth in 40 C.F.R. § 2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B. EPA will construe the failure to furnish a confidentiality claim with the response to this letter as a waiver of that claim. Information may be made available to the public by EPA without further notice. Also, enclosed for your information are requirements of the Securities and Exchange Commission ("SEC") for "registrants" to provide information on environmental legal proceedings to the public. To determine the applicability of these requirements to your company you should seek competent legal counsel as described in the enclosed Notice.

Thank you for your prompt attention to this matter. If you have any questions, please feel free to contact Mr. James Sullivan at (415) 972-3309, or Mr. Harrison Karr in the Office of Regional Counsel at (415) 972-3939.

Sincerely,

Frances C. Schultz,
Manager, RCRA Enforcement Office

Enclosures

cc: Charles McLaughlin
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95826-3268

Continuous J-Mate® ...The Final Step in Metal Hydroxide Sludge Volume Reduction

The J-Mate®, by JWI®, has been designed to take over where filter presses, vacuum filters and centrifuges leave off. While these mechanical dewatering units can reduce sludge volume by up to 20:1, a substantial amount of water still remains in the material. The J-Mate units use gas or electric infrared heat for rapid, effective water removal which results in reduced sludge volume...changing the material to a dry, granular form. The result is a further volume reduction of about 4:1. One fourth the waste volume...one fourth the handling and disposal costs. So effective is the J-Mate, that **6 month paybacks are possible** (depending on local disposal costs).

Features and Benefits:

- Payback within 6 months possible.*
- Designed specifically for metal hydroxide sludge.
- Installation flexibility. Simple loading and unloading. No additional labor required.
- Fully automatic processing cycle. Minimal operator attention required.
- Stainless steel construction of all internal wetted parts in drying chamber. All other parts are carbon steel-sand blasted, and polyurethane primed and painted.
- Ruggedly built for continuous use and long service life.
- Sludge volume reduction ranges by a factor of about 2:1 to 5:1.
- Highly efficient infrared heaters keep energy cost at a minimum.
- Available in either LP or natural gas. Smaller models available in electric.
- Hydraulically operated loading system automatically raises and empties drums or dumpsters into receiving hopper.
- Extruded filter cake for maximum weight and volume reduction with a minimum of BTU's.
- No direct flame torching material.
- No material build up or clogging problems.
- Electronic ignition used...no pilot light.
- All models include a stainless steel venturi-type wet scrubber to maintain high air quality.

*Depending on local disposal costs

The J-Press® / Continuous J-Mate® Combination

The J-Mate, used in conjunction with JWI's filter press (or other brand of filter presses) provides a capability to reduce a metal hydroxide slurry by a ratio of 80:1. Eighty barrels of slurry, filtered and dewatered in a filter press is reduced to four barrels of filter cake. While this represents a substantial reduction in waste volume, even greater savings can be realized with a J-Mate since 60 to 80% of remaining material is still water. These four barrels of dewatered sludge, when processed through the Continuous J-Mate can be further reduced to only one barrel of dry, granular, moisture free material for handling and disposal. The dumpster used for receiving the filter cake from the J-Press can also be used to transfer and load the cake into the J-Mate. If desired, drums can be handled in a similar manner. Thus, no additional labor is needed for waste disposal. Labor may even be reduced due to the smaller volumes of end product.

The JWI Dewatering combination...an 80:1 reduction in your waste disposal problem.

Stainless Steel Construction:
All internal parts in drying chamber exposed to wet sludge are stainless steel for corrosion resistance and long service life.

Discharge System:
As the material reaches the desired reduction (dryness), the dry, granular material is emptied into a bag, barrel or dumpster for disposal.

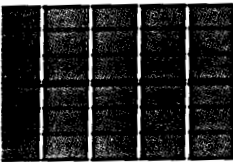
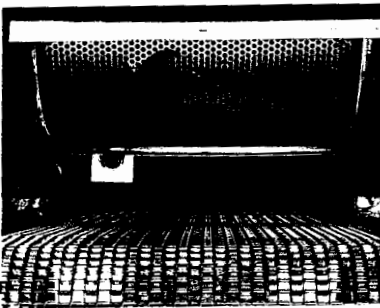
Air-Handling Equipment:
Every J-Mate unit is supplied with a single speed, wet scrubber. All exhaust air from the J-Mate enters the scrubber where the particulate matter is combined for removal with an atomized stream of water. The scrubber uses no moving parts and utilizes the classic high-energy venturi type scrubber design. Stainless Steel construction and simple design contributes to long-term, highly reliable service. A 1-2 GPM blowdown stream removes solids to the waste treatment system. The scrubber is over 98% efficient! The blower, mounted on top of the scrubber package, provides all of the air movement through the entire J-Mate system.

Extruder System:
Receives filter cake which has been broken down by the bridge breaker in the receiver hopper. The wiper blades force the sludge through holes in the stainless steel drum. This produces pellet-like particles with maximum surface area for drying. The extruded material falls onto a continuous stainless steel mesh conveyor for passage under a series of highly efficient infrared heat drying elements.

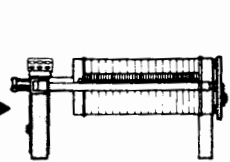
Heater Options:
All energy for drying in the J-Mate comes from infrared heating elements. Heating energy options are natural or LP gas on all models with electric available on Models J-120E and J-180E. Ambient air is drawn through the heat chamber by the fan mounted on the outlet of the wet scrubber. The J-Mate heat chamber and scrubber are protected from high temperature levels by an exhaust air temperature sensor. Infrared heat is known to be the most efficient source of heat available for drying applications.

Receiver Hopper:
Includes cake breaker bars which facilitates material continually being fed to extruder.

Heavy Duty, Long Life Motor:
TEFC Industrial motor provides years of maintenance free operation.



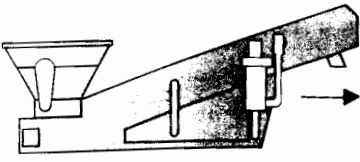
Eighty Barrels



Filter Press



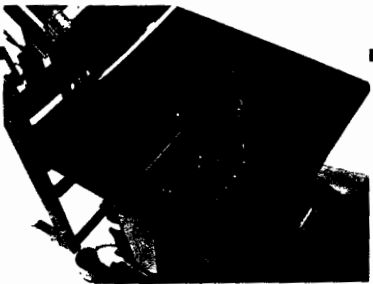
Four Barrels



J-Mate



One Barrel



Unit Includes: •Hopper •Cake Breaker •Extruder •Drive Gearmotor •Wet Scrubber (exhaust cleaning not included) •Control Panel, Prewired with all Operational Controls •Infrared Heat Chamber Mounted on Rugged Frame •Dried Sludge Loading Chute •One (1) Copy of an Installation / Maintenance Manual •Moving Stainless Steel Grating type Belt

Optional Equipment: •Dumpsters •Barrel Loader •Dumpster Loader •One Way Disposable Bag •Optional Hydraulic Dumping Mechanism for Dumpster •Special Hopper Designs and Sizes •Custom Support Structures Available to Elevate Filter Press for Direct Disposal into J-Mate



Modulating Extruder/Gas Control System:
A microcomputer based digital extruder and gas temperature controller. The modulating gas control maintains the temperature within a range to optimize gas usage efficiency. The system is designed to accommodate automatic shut-off with complete interlocking capabilities.

Specifications

	J-120G	J-120E	J-180G	J-180E	J-360G
Heat Source	Gas	Electric	Gas	Electric	Gas
Working capacity—Water Removal Rate *	47# H ₂ O/HR	47# H ₂ O/HR	94# H ₂ O/HR	94# H ₂ O/HR	188# H ₂ O/HR
Power Requirements—Including Dump Lift* 230V 3Ø 60CY 480V 3Ø 60CY	20A 10A	— 50A	20A 10A	— 65A	30A 15A
Electric Heat Kilowatts	—	31.5 KW	—	45 KW	—
Gas Burner Rating	125,000 BTU	—	200,000 BTU	—	400,000 BTU
Gas Consumption Natural LP	100 CFH 1.4 GPH	— —	200 CFH 2.2 GPH	— —	400 CFH 4.4 GPH
Scrubber Water Usage	1 GPM	1 GPM	1 GPM	1 GPM	3 GPM
Scrubber Drain	2" NPT GRAVITY DRAIN				
Length	160"	160"	160"	160"	160"
Width	60"	60"	74"	74"	106"
Height	78"	78"	78"	78"	78"
Weight (Shipping) (Without Lift)	3400 lbs.	3400 lbs.	3600 lbs.	3600 lbs.	4200 lbs.
Std. Hopper Capacity	10.7 cu. ft.	10.7 cu. ft.	13 cu. ft.	13 cu. ft.	17 cu. ft.
Exhaust Air CFM	275	275	275	275	300
Materials of Construction:	304 SS...Carbon Steel, Polyurethane Finish				

*Service to be determined by local electrical code requirements.

*Based on using 2125 BTU to remove 1 lb. of H₂O. BTU requirement may vary with materials.

NOTE: Machine gas components comply with FM and IRI requirements.

Specifications subject to change without notice.